United Nations E/1998/53

Economic and Social Council

Distr.:General
20 May 1998

Original: English

Substantive session of 1998
New York, 6-31 July 1998
Item 14 (a) of the provisional agenda*
Social and human rights questions: advancement of women

Follow-up to and implementation of the Beijing Declaration and Platform for Action

Report of the Secretary-General

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I. Introduction

1. In its resolution 52/100, the General Assembly requested the Secretary-General to report annually to the General Assembly, the Commission on the Status of Women and the Economic and Social Council on the follow-up to and implementation of the Beijing Declaration and Platform for Action.[1] Similar mandates were contained in General Assembly resolutions 51/69 and 50/203.

2. In each of the three reports submitted in the course of a year, on a rolling basis, information is provided that is most pertinent to the respective intergovernmental body in order to facilitate its decision-making. Thus, the reports to the Economic and Social Council focus on facilitating the coordination function of the Council. The reports to the Commission on the Status of Women emphasize efforts undertaken by the Secretariat in support of mainstreaming the gender perspective and other follow-up activities. The reports to the General Assembly contain information from all entities of the United Nations system, including specialized agencies and international financial institutions, as well as an analysis of activities undertaken at the national level and by non-governmental organizations and civil society.

3. The present report is intended to update the information provided in the reports to the General Assembly at its fifty-second session, in 1997 (A/52/281) and the Commission on the Status of Women at its forty-second session, in 1998 (E/CN.6/1998/2 and Add.1 and 2). It focuses on developments related to the implementation of the Beijing Declaration and Platform for Action in intergovernmental forums reporting to the Council, by the regional commissions and in the Inter-Agency Committee on Women and Gender Equality since the submission of the report of the Secretary-General to the Economic and Social Council at its substantive session of 1997 (E/1997/64).

4. A preliminary framework for action to mainstream a gender perspective into economic policies was contained in the report of the Secretary-General on the effective mobilization and integration of women in development (A/52/345). The role of operational activities in promoting in particular, capacity-building and resource mobilization for enhancing the participation of women in development is discussed in document E/1998/54. A report on the implementation of the agreed conclusions of the 1997 coordination segment of the Economic and Social Council on mainstreaming a gender perspective into all policies and programmes of the United Nations system is before the Council at its present session.

II. Commission on the Status of Women

A. Human rights of women

5. At the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the United Nations High Commissioner for Human Rights addressed the Commission on the Status of Women and assured members that the human rights of women were at the centre of commemorative activities. Campaigns for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the removal of substantive reservations to it were among the activities. She informed the Commission that human rights treaty monitoring bodies were encouraged to give increasing attention to the gender dimension of their work. The High Commissioner reiterated her strong personal commitment to the promotion and protection of the human rights of women.

6. In order to accelerate the implementation of the strategic objectives of the Platform for Action in the area of the human rights of women, the Commission, in the conclusions adopted at its forty-second session,[2] proposed actions on creating an environment conducive to women's enjoyment of their human rights and awareness-raising; on the legal and regulatory framework; and on policies, mechanisms and machineries. Actions to be taken are addressed to Governments, actors in civil society and the United Nations system.

7. The Commission addressed the issue of the importance of a gender-sensitive understanding of human rights and the need to integrate such understanding into all policies and programmes. It recommended that research be conducted and data disseminated on factors and barriers that affected women's full enjoyment of their human rights.

8. The link between women's full enjoyment of human rights and gender-sensitive national legislation and procedures was clearly established. The Commission highlighted the requirement that both national and international legal remedies should be available to women, and that women should be able to claim their rights through such channels. New emphasis was placed on the creation of mechanisms to ensure that women's enjoyment of their human rights was pursued as part of overall policy-making and programming of Governments, including through gender-sensitive budgeting.

9. The Commission in its conclusions called for gender balance in the composition of human rights treaty bodies, and for expertise on gender issues in all human rights mechanisms. Additionally, the Commission recommended enhanced cooperation between the Commission on the Status of Women and other functional commissions, as well as United Nations entities. The Division for the Advancement of Women of the United Nations Secretariat and the Office of the United Nations High Commissioner for Human Rights were requested to continue the preparation of the annual joint work plan. Support was expressed for the planned workshop of the Inter-agency Committee on Women and Gender Equality of the Administrative Committee on Coordination to clarify the understanding of a rights-based approach to women's empowerment and advancement and to gender equality.

B. The girl child

10. The Commission in its conclusions on the girl child focused on the areas of human rights, education and empowerment, health, armed conflict, trafficking and child labour.[3] In order to promote the human rights of the girl child, the Commission emphasized the need for awareness-raising campaigns and urged the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women to pay special attention to the rights of the girl child.

11. With regard to health, the Commission called for the eradication of harmful traditional practices. Furthermore, it stressed that adolescent girls and boys needed confidential counselling on reproductive health issues and that health care personnel needed to understand the gender specific needs of girls.

12. In situations of armed conflict, the Commission emphasized the importance of peacekeeping forces and humanitarian workers being made aware of the special needs and interests of girl children.

13. In the area of education and empowerment, the Commission stressed that teachers and school administrators should be gender-aware and that teaching materials could play a crucial role in promoting the self-esteem of girls. Furthermore, the Commission recommended that girls be involved in designing and implementing policies.

14. To combat trafficking in girls, the Commission recommended collecting data and raising public awareness on that issue, enacting laws, strictly persecuting perpetrators and strengthening international cooperation.

15. It was stated that girls who worked should be protected from economic exploitation and sexual harassment in the workplace and that the situation of domestic workers needed special attention.

C. Violence against women

16. In its conclusions on violence against women,[4] the Commission on the Status of Women reaffirmed the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women. The Commission requested States parties to the Convention to take into account in their reports to the Committee on the Elimination of Discrimination against Women general recommendation 19, adopted by the Committee at its eleventh session,[5] and the Declaration on the Elimination of Violence against Women. States parties to international human rights treaties were requested to compile information and report on violence against women, including domestic violence and harmful traditional practices and measures to eliminate such violence, and include such information in their reports under the Convention and other human rights treaties.

17. Governments and the international community were requested to take an integrated holistic approach to violence against women. To that end, the Commission requested that comprehensive, multidisciplinary and coordinated national programmes, plans and strategies with targets, timetables and domestic enforcement procedures and monitoring mechanisms be formulated. Effective partnerships with non-governmental organizations and all relevant agencies were to be promoted and actions to end violence against women were to be integrated into all areas of public and private life, including the media. Specific national, regional and international cooperation to prevent and eliminate trafficking in women and girls was to be developed.

18. Specific recommendations were directed at Governments, non-governmental organizations and the public and private sectors in relation to resources to combat violence against women, including the Special Rapporteur of the Commission on Human Rights on violence against women and the Trust Fund in Support of Action to Eliminate Violence against Women of the United Nations Development Fund for Women (UNIFEM). Inclusion of adequate resources for the elimination of violence against women in national budgets was also advocated.

19. Governments were urged to cooperate at the bilateral, subregional, regional and international levels. The

Commission highlighted the importance of international information exchange on trafficking in women and girls through the establishment of a data collection centre within Interpol and through regional and national law enforcement and police offices.

20. The Commission recommended that Governments introduce an integrated gender-sensitive legal framework, establish adequate infrastructure for the survivors of violence and implement the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted by the General Assembly in its resolution 52/86. Specific forms of violence, including domestic violence, rape, trafficking, harmful customary or traditional practices, and sexual harassment in the workplace, should be addressed by domestic legal systems, including through the response of the criminal justice system.

21. The Commission stressed the importance of research on causes and the extent of violence against women, the economic and social consequences of violence and the impact of laws on the incidence of violence. Evaluations of measures and policies were advocated and the sharing of research results, particularly regarding best practices, was encouraged. The United Nations was requested to share good practices and lessons learned.

22. Measures aimed at changing attitudes were addressed, including through educational programmes on human rights, conflict resolution and gender equality, peer mediation and conflict resolution. School-based education and public-awareness campaigns that aimed at changing attitudes were encouraged. The role of the media, including the Internet, was recognized and specific proposals made in that regard. Policies and programmes to encourage behavioural change in perpetrators of violence against women were encouraged, as was monitoring the effectiveness of such policies and programmes. Men's initiatives to combat violence against women were also to be supported.

23. In its conclusions, the Commission recognized that women victims of violence were diverse and included women and girls with disabilities, women migrants and refugee women and girls. Specific proposals were made to meet the needs of particular victims.

D. Women and armed conflict

24. The conclusions on women and armed conflict,[6] which were addressed to Governments, international and regional intergovernmental institutions, including the United Nations, international organizations, the international community and civil society, proposed actions to ensure gender-sensitive justice; take account of the specific needs of women affected by armed conflict; increase the participation of women in peacekeeping, peace-building and related areas; prevent conflict and promote a culture of peace; and lead to disarmament.

25. Governments were directed to provide accessible and gender-sensitive avenues of redress for victims of armed conflict through gender-sensitive legal drafting, as well as interpretation of existing international and domestic legal provisions which apply in situations of armed conflict, including in the context of the International Criminal Court. Rape, systematic rape and sexual slavery in armed conflict should be reaffirmed as constituting war crimes, and existing legal standards and definitions should be modified to reflect that understanding. Information on the jurisdiction and procedures for accessing available avenues of redress were to be widely and publicly disseminated in local languages. Gender balance and gender expertise should be promoted in all relevant international bodies. The principles of international human rights and humanitarian law, as well as national legislation should be adhered to so as to protect children, particularly girl children, from exploitation. All perpetrators of sexual violence, including United Nations, international and humanitarian personnel should be prosecuted.

26. Governments and international organizations were requested to collect and provide information on violations of the human rights of women under foreign occupation. The impact of armed conflict on women's health should be addressed, including with regard to women with disabilities and in relation to trauma stemming from violations of human rights. The specific needs of women refugees and displaced women should also be addressed, in particular through the proper design and location of camps. Refugee victims of sexual violence and their families should be provided with adequate medical and psycho-social care. A gender perspective should be mainstreamed into domestic immigration and asylum policies and practices and into humanitarian responses to armed conflict.

27. Women's participation in decision-making and conflict prevention was to be increased, including through measures of affirmative action and other innovative strategies. A gender perspective should be mainstreamed into peace promotion and humanitarian and peace-building policies. Mechanisms to encourage women candidates for judicial, prosecutorial and other positions at the international level were to be created and participants in humanitarian missions

and peacekeeping operations were to be provided with gender-sensitive training.

28. Measures to prevent conflict and promote a culture of peace through education and training strategies for various sectors, including young people, teachers, peacekeepers were to be encouraged. In that context, the expertise of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the Division for the Advancement of Women, UNIFEM and the United Nations Children's Fund (UNICEF) should be drawn on. The United Nations should acknowledge and support the vital work of non-governmental organizations and organize programmes for community leaders and women on the important role women should play in developing a culture of peace.

29. Governments were called upon to take note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. Governments should join international efforts to elaborate international policies to control small arms in order to alleviate the suffering of women and children. Specific actions with respect to anti-personnel landmines, including the provision of landmine awareness campaigns and classes, assistance for landmine clearance, technology sharing and rehabilitation and social integration programmes for women victims of landmines, should be a priority for Governments.

E. Other decisions of the Commission on the Status of Women

30. The Commission recommended a draft resolution by which the high-level plenary review of the implementation of the Platform for Action would be held as a special session of the General Assembly for five days, from 5 to 9 June 2000; the Commission would serve as the Preparatory Committee for the special session.[7] Action on the draft resolution was taken by the Economic and Social Council at its 5th meeting, on 7 May 1998 (Council resolution 1998/2). The General Assembly is to take action on that resolution at its fifty-second session.

31. The Commission recommended three other draft resolutions for adoption by the Economic and Social Council.[8] In draft resolution I on the situation of women and girls in Afghanistan, the Council would strongly urge all of the Afghan factions to end discriminatory policies and to recognize, protect and promote the equal rights and dignity of women and men. In draft resolution II on Palestinian women, the Council would stress its support for the Middle East peace process and the need for full implementation of the agreements already reached between parties. In draft resolution III on the mid-term review of the system-wide medium-term plan for the advancement of women, the Council would recommend that gender equality and women's empowerment goals be integrated into the continuing United Nations reform process.

32. The Commission also adopted a number of resolutions.[9] In resolution 42/1 on human rights and land rights discrimination, the Commission urged States to design and revise laws to ensure that women were accorded full and equal rights to own land and other property.

33. In resolution 42/2 on the release of women and children taken hostage in armed conflicts, including those subsequently imprisoned, the Commission condemned violent acts in contravention of international humanitarian law. It also urged all parties to armed conflicts to protect those women and children and provide unimpeded access to humanitarian assistance for them, and requested the Secretary-General to prepare a report on the implementation of the resolution.

34. Proposals made in the conclusions on violence against women are amplified in Commission resolution 42/3 on violence against women migrant workers. In that resolution, the Commission invited Governments to include information on the problems of women migrant workers in their national action plans and in their periodic reports to relevant human rights treaty bodies. Governments were requested to generate data and to carry out research on the topic. The Commission also urged Governments to take legal measures against perpetrators of violence against women migrant workers and against intermediaries who encouraged the exploitation of women migrant workers. Furthermore, organizations of the United Nations system were requested to ensure adequate briefing of prospective women migrant workers on possible problems and support services in the receiving countries.

35. In its resolution 42/4 on older women and support systems: gender and caregiving, the Commission took note of the recommendations made in the report of the Secretary-General (E/CN.6/1998/4) and invited Member States to consider implementing the recommendations contained in the annex to the resolution.

36. In resolution 42/5 on the fiftieth anniversary of the Universal Declaration of Human Rights, the Commission called on the General Assembly, the Economic and Social Council, the Commission on Human Rights and the United Nations system as a whole, to ensure that the human rights of women formed an integral part of all activities in the

commemoration of the Declaration, and were especially addressed through targeted activities.

37. The Commission's Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women continued its work during the Commission's forty-second session. In accordance with Economic and Social Council decision 1997/227, authorizing the working group to meet in parallel with the Commission at its forty-second and forty-third sessions, this work will continue in 1999.

38. The Bureau of the Commission on the Status of Women continues to meet regularly for informal consultations on the programme of work between the sessions of the Commission. Working methods and modes of election of the bureaux of functional commissions are currently being re-examined with a view to obtaining greater efficiency.

III. Results of other functional commissions of the Economic and Social Council

39. Gender mainstreaming and follow-up to the Fourth World Conference on Women was given attention in the deliberations of the functional commissions of the Economic and Social Council, in line with the Council's agreed conclusion 1997/2 on gender mainstreaming.[10] Commissions either paid attention to the long-term programme of work of the Commission on the Status of Women, in particular to the review and appraisal in the year 2000, tried to integrate a gender perspective into their programme of work or received a mandate to do so. Moreover, in order to further promote gender mainstreaming in the functional commissions, the Special Adviser on Gender Issues and Advancement of Women addressed the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice.

A. Commission for Social Development

40. The Commission for Social Development, at its thirty-sixth session (10-20 February 1998), promoted a concept of development that placed people at the centre of development. In its agreed conclusions,[11] the Commission recommended various measures to ensure that both genders were integrated into the process of social development. For example, the Commission recommended that women be involved at all levels of decision-making, that the reconciliation of work and family responsibilities be facilitated and that the value of unpaid caregiving labour be recognized. Furthermore, the Commission urged that violence against women be combated and emphasized the importance of integrating a gender perspective in all strategies targeting the abuse of drugs. In its decision 36/101 on options for the future review and appraisal of the implementation of the International Plan of Action on Ageing, the Commission stressed the need to introduce a gender perspective into the review and appraisal process of the Plan of Action.[12]

B. Commission on Population and Development

41. The theme of the thirty-first session of the Commission on Population and Development (23-27 February 1998) was "Health and mortality, with special emphasis on the linkages between health and development, and on gender and age". The draft outline of the review and appraisal of the progress in achieving the goals and objectives of the programme of action of the International Conference on Population and Development states that a gender perspective will be visibly mainstreamed in each chapter. Furthermore, the Commission decided that the theme of its thirty-third session in the year 2000 would be "Gender, population and development"[13] so that its deliberations could provide input into the review and appraisal for the Fourth World Conference on Women.

C. Commission on Narcotic Drugs

42. The Commission on Narcotic Drugs held its forty-first session at the United Nations Office at Vienna from 11-21 March 1998. In its capacity as preparatory body for the special session of the General Assembly on illicit drugs, in June 1998, the Commission approved a draft political declaration to be considered at the special session. The draft declaration set out a global strategy to reduce both supply and demand of illicit drugs. The Commission in its draft declaration did not elaborate on the gender implications of drug abuse but stated that women and men should benefit equally from strategies directed against the world drug problem, through their involvement in all stages of programmes and policy-making. The General Assembly, in resolution 52/92, had stressed the importance of taking into account a gender perspective in preparing the outcomes of the special session.

D. Commission on Human Rights

43. At its fifty-fourth session (16 March-24 April 1998), the Commission on Human Rights adopted a number of resolutions specific to women's enjoyment of human rights. The rights and situation of the girl child were addressed. Gender issues were also addressed in resolutions concerning the work of human rights treaty bodies, of thematic and country-specific rapporteurs, and of other human rights mechanisms. For the first time, the Commission held a special debate on gender issues and human rights with the participation of the Chairperson of the Commission on the Status of Women.

44. The Special Adviser on Gender Issues and Advancement of Women addressed the Commission, focusing on areas of cooperation between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights under the joint work plan. She introduced the report of the Secretary-General on women's real enjoyment of their economic and social rights (E/CN.4/1998/22-E/CN.6/1998/11), prepared jointly by the Division and the Office, which was also submitted to the Commission on the Status of Women at its forty-second session. The close cooperation between the Commission on the Status of Women and the Commission on Human Rights, including the preparation of joint reports, could serve as a model for cooperation among other functional commissions.

1. Women's enjoyment of human rights

45. In resolution 1998/51 on integrating the human rights of women throughout the United Nations system, the Commission called on all relevant actors to implement agreed conclusions 1997/2 of the Economic and Social Council on gender mainstreaming by taking the steps outlined therein. It called for further strengthening of cooperation and coordination so as to promote women's human rights more effectively. The Commission requested that the joint work plan of the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights reflect all aspects of the work under way, and identify existing obstacles/impediments and areas for further collaboration. Its submission to the sessions of the Commission on Human Rights and the Commission on the Status of Women in 1999 was requested. In resolution 1998/57, the Commission welcomed efforts at integrating a gender perspective into the technical cooperation programme.

46. As regards the elimination of violence against women (resolution 1998/52), the Commission commended the work of the Special Rapporteur on violence against women, including her active participation in the forty-second session of the Commission on the Status of Women. A series of measures for the prevention and elimination of violence against women were put forward.

47. In resolution 1998/17 on violence against women migrant workers, the Commission reiterated several elements contained in resolution 42/3 of the Commission on the Status of Women.[14] The submission of a comprehensive follow-up report on the issue was requested for the fifty-sixth session of the Commission on Human Rights. The General Assembly, in resolution 52/97, had requested a similar report for its fifty-fourth session.

48. In resolution 1998/30 on traffic in women and girls, the Commission encouraged various bodies and organizations of the United Nations system to contribute to the preparation of guidelines for the use of Governments in the elaboration of training manuals, and to provide support for preventive measures against trafficking.

2. Gender issues in the work of human rights treaty bodies, thematic rapporteurs and other mechanisms

49. The Commission noted that some human rights violations were specific to or were primarily directed against women, and that the identification and reporting of those violations demanded specific awareness and sensitivity. In this regard, it requested the thematic special rapporteurs, representatives, experts and working groups to include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that were specifically or primarily directed against women, or to which women were particularly vulnerable, in order to ensure the effective protection of their human rights (resolution 1998/74). In resolution 1998/51, specific steps were outlined that would facilitate implementation of the gender approach.

50. The Commission welcomed the continuing emphasis given by the persons chairing the human rights treaty bodies to the enjoyment by women of their human rights. It welcomed the study to be prepared, at their request, by the Division for the Advancement of Women of the United Nations Secretariat on steps taken by treaty bodies to incorporate a gender perspective in their work, and to make practical suggestions about what each treaty body could do to further incorporate a gender perspective (resolution 1998/27). In resolution 1998/9, the need to take into account

a gender perspective in the implementation of the International Covenants on Human Rights was stressed.

51. In several thematic resolutions, the Commission stressed that a gender perspective needed to be taken into account by special rapporteurs in information collection and in their recommendations. Continuing cooperation between the Special Rapporteur on violence against women with other special rapporteurs (including the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression) and with human rights mechanisms was called for.

52. Governments were urged to take action to combat practices which violated the human rights of women and discriminated against them in the framework of all forms of intolerance and of discrimination based on religion or belief. The Special Rapporteur was urged to apply a gender perspective, *inter alia*, through the identification of gender-specific abuses and in the reporting process (resolution 1998/18).

53. The Special Rapporteur on torture was invited to continue examining questions concerning torture and other cruel, inhuman or degrading treatment and punishment directed against women and conditions conducive to such torture. He was invited to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including rape (resolution 1998/38).

54. With regard to freedom of opinion and expression (resolution 1998/42), the Commission expressed its concern at the gap that existed for women between these rights and their effective enjoyment. The Special Rapporteur on this question was asked to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right of freedom of opinion and expression and incidents of discrimination based on sex. He was invited to consider how obstacles for women in their right to seek, receive and impart information impeded their ability to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they lived.

55. The representative of the Secretary-General on internally displaced persons was commended for the specific attention paid by him to the special assistance, protection and development needs of internally displaced women and children, and he was encouraged to continue to draw attention to these needs (resolution 1998/50). In resolution 1998/68, the Special Rapporteur on extrajudicial, summary or arbitrary executions was requested to continue to apply a gender perspective in his work.

3. Attention to gender in issue-specific resolutions

56. On several issues the Commission stressed the importance of taking a gender perspective into account systematically. For example, explicit reference to the full implementation of the human rights of women was included in the resolution expressing commitment to the fulfilment of the Universal Declaration of Human Rights (resolution 1998/56), and particular attention to the human rights of women and the girl child was called for in conjunction with the five-year review of the Vienna Declaration and Programme of Action (resolution 1998/78). Attention to gender was also requested in conjunction with the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance (resolution 1998/26).

57. Training in the human rights of women for all United Nations personnel and officials was to be part of the Decade for Human Rights Education (resolution 1998/45). Attention was also drawn to the particular needs of women with disabilities in the guarantee of their human dignity and integrity (resolution 1998/31). The need for forensic examinations to be conducted in a gender-sensitive manner was emphasized, including documenting instances where women might have been exposed to rape and sexual violence (resolution 1998/36). Gender-sensitivity, in particular in the training of judicial and law enforcement personnel, was called for in resolution 1998/39 on human rights in the administration of justice. It was recognized that in conjunction with mass exoduses, women and children, in addition to the problems they shared in common with all refugees, were in such circumstances vulnerable to gender-based discrimination and gender-specific violations of human rights (resolution 1998/49).

58. When combating impunity for violations of international human rights and humanitarian law, States were urged also to focus attention on impunity for violations perpetrated against women (resolution 1998/53). The wider participation of women was seen as part of an integral approach to the promotion of a culture of peace (resolution 1998/54), and the promotion and protection of the human rights of women was highlighted as an element in the creation and strengthening of independent national human rights institutions (resolution 1998/55).

59. In resolution 1998/25 on human rights and extreme poverty, the Commission noted with appreciation the Secretary-General's report on women's real enjoyment of their human rights, in particular those relating to the

elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11). In appointing an independent expert on the question of human rights and extreme poverty, the Commission requested the expert to take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights. The reports of the expert were to be made available to the Commission on the Status of Women.

60. With regard to economic, social and cultural rights (resolution 1998/33), the Commission appointed a Special Rapporteur whose mandate would focus on the right to education, taking into account gender considerations, in particular the situation and needs of the girl child, and promoting the elimination of all forms of discrimination in education. The reports were to be made available to the Commission on the Status of Women whenever they concerned the situation of women in the field of the right to education.

61. The Commission affirmed that a gender perspective needed to be applied in the implementation of the right to development, *inter alia*, by ensuring that women played an active role in the development process; and it emphasized that the empowerment of women and their full participation on the basis of equality in all spheres of society was fundamental to development (resolution 1998/72).

62. In a comprehensive resolution on the rights of the child, the Commission underlined the need for mainstreaming a gender perspective into all policies and programmes relating to children, and it also dealt specifically with the situation of the girl child (resolution 1998/76).

4. Country-specific resolutions

63. The Commission requested several country rapporteurs, including those on the Democratic Republic of the Congo, Myanmar, the Sudan, and the Islamic Republic of Iran, to apply a gender perspective systematically in the reporting process, including information collection and recommendations. As in the past, a number of country-specific resolutions referred to gender as a factor in the enjoyment of human rights:

(a) Haiti (resolution 1998/58): the Special Rapporteur on Violence against Women was once again invited to consider favourably the Government's invitation to visit the county;

(b) Somalia (resolution 1998/59): deep concern was expressed at violence against women and children;

(c) Cambodia (resolution 1998/60): grave concern was expressed about numerous instances of violations of human rights, including rape. The Government as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, was urged to take all appropriate measures to eliminate discrimination against women, including in the political and public life of the country, and to combat violence against women in all its forms;

(d) Myanmar (resolution 1998/63): the Commission welcomed the accession of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women. It expressed deep concern at the violations of the rights of women, especially women who were refugees, internally displaced women and women belonging to ethnic minorities or the political opposition, in particular forced labour and sexual violence and exploitation, including rape;

(e) Sudan (resolution 1998/57): the Commission expressed deep concern at violations of the rights of women and children, and urged the Government to bring those violations to an end, especially in the light of the Beijing Declaration and Platform for Action, and to take urgent measures to ensure the repeal of all legislative and other measures that discriminated against women;

(f) Rwanda (resolution 1998/69): the Commission commended the Government for the cooperation and assistance extended to the Special Rapporteur on violence against women. It urged the Government to give the utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur. It also welcomed the draft law on matrimonial property and succession which was under consideration, and encouraged the Government to continue its efforts to improve the welfare, status and role of women, especially genocide survivors and returnees, in Rwandan society, with particular attention to matters concerning property;

(g) Afghanistan (resolution 1998/70): the Commission took into account the report of the Special Adviser on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997. The Commission noted with deep concern the violations of the human rights of women and girls and urged all Afghan parties to provide women with equal access to political participation, employment, education and health care, to ensure women's freedom of movement and prosecute those responsible for physical attacks on women. Furthermore, the Commission urged the United Nations to apply a gender perspective in all programmes carried out in Afghanistan, to ensure the

participation of women in those programmes, and that women benefited equally with men from such programmes; and to implement the recommendations of the Inter-agency Gender Mission to Afghanistan under the leadership of the Special Adviser on Gender Issues and Advancement of Women;

(h) Equatorial Guinea (resolution 1998/71): the Government was encouraged to pursue the efforts it had already undertaken to effectively integrate women into the process of the socio-economic, cultural and political development of the country;

(i) Islamic Republic of Iran (resolution 1998/80): the Commission noted with interest the positive statements made by the Government about the need to review laws and attitudes that discriminated against women, and also noted with interest the appointment of the first female Vice-President of the Islamic Republic of Iran and of four female judges. It expressed concern at the continued lack of full and equal enjoyment by women of human rights; and called upon the Government to build on the progress made in the past year by taking further measures to eliminate discrimination and human rights violations against women, including all discrimination in law and in practice against them, for example by amending article 1117 of the Civil Code, which subjected women who wished to take up a profession to their husband's prior consent.

E. Commission on Sustainable Development

64. The Commission on Sustainable Development at its sixth session (20 April-1 May 1998) focused on the issue of freshwater management as its sectoral theme. The Commission recognized the importance of broadening women's participation in water resource development, management and protection. It also stressed the importance of the integration of gender analysis in water planning. In its decisions, the Commission urged Governments to ensure that women, youth, indigenous people and local communities had equal access to education and training programmes in water resource development, management and protection.

65. The Commission also reviewed the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States. During the discussion, high priority was accorded, *inter alia*, to the empowerment of women.

66. Responding to its expected role as a forum to promote action-oriented dialogue and partnership between Governments and the representatives of the main economic sectors, the Commission on Sustainable Development introduced an "industry segment" which provided an interactive discussion on the matter between the industry representatives, non-governmental organizations, Governments and international organizations. Four themes were discussed during the segment: responsible entrepreneurship; corporate management tools; technology cooperation; and industry and freshwater. The participants recognized that involvement of all stakeholders, including women, was crucial for problem-solving in that area.

67. The session's high-level meeting included the participation of ministers and policy makers. The participants considered the outcomes of the discussion during the sixth session and provided a set of recommendations regarding the Commission's inter-sessional work. They furthermore emphasized that effective implementation of Agenda 21 required strong partnership with major groups, which should be enhanced in future work.

68. To focus on women's views and perspectives, the Division for Sustainable Development and Women's Environment and Development Organization (WEDO) organized a series of events for the occasion of the "Day of women". The "Day of ..." format had been a part of the Commission's sessions since the Day of Local Authorities was organized in 1995. The events of the "Day of women" included a debate on women and industry, a panel on women's role in local agenda 21s, and a gender mainstreaming seminar focusing on the effect of industrial activities on ecosystems and women, based on the concept of industrial hot spots. Among the other events that took place was one involving gender aspects of sustainable water development.

F. Commission on Crime Prevention and Criminal Justice

69. The Special Adviser on Gender Issues and Advancement of Women addressed the Commission on Crime Prevention and Criminal Justice at its seventh session (21-30 April 1998). She underlined the importance of reflecting a gender perspective in all areas of work of the Commission, and addressed issues of particular relevance to women in the areas of crime prevention and criminal justice. She encouraged the strengthening of cooperation between the Division for the Advancement of Women and the International Centre for Crime Prevention, and offered the Division's cooperation in the conceptualization, preparation and conduct of the technical workshop on

women in the criminal justice system at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

70. In a resolution on strategic management, the Commission decided that it would mainstream a gender perspective into all its activities, and requested the secretariat to integrate a gender perspective into all activities of the International Centre for Crime Prevention. In taking this action, the Commission referred to agreed conclusions 1997/2 of the Economic and Social Council on gender mainstreaming.

71. In a resolution on United Nations standards and norms, the need for gender mainstreaming was highlighted in conjunction with children in the criminal justice system. Measures for special groups, including female and child victims of violence and sexual abuse, were called for. The work programme for the Tenth Congress would be endorsed, including the convening of the workshop on women in the criminal justice system.

72. In the framework of the Commission's ongoing work on combating transnational organized crime, an ad hoc committee on the elaboration of a comprehensive international convention against organized transnational crime is to be established by the General Assembly. The committee is to focus, *inter alia*, on the elaboration of international instruments addressing trafficking in women and children. That point was reiterated in a resolution on trafficking in women and children, which also raised a number of other issues, including measures to be taken by States individually or in cooperation with others to prevent and combat such trafficking. The particular vulnerability of women and children to becoming victims of the crime of illegal trafficking in and transporting of migrants, was also noted.

G. Commission on Science and Technology for Development

73. During the 1995-1997 inter-sessional period, the Commission on Science and Technology for Development concentrated its efforts on the substantive theme of information and communication technologies and development, dealing especially with the issues of access and impact. This work resulted both in a report and recommendations, which were approved at the third session of the Commission in May 1997, and in a larger source book addressed to international organizations, Governments, non-government organizations, private enterprises and researchers.

74. The Gender Advisory Board, which was established by the Commission on Science and Technology for Development as an expert body on gender implications of science and technology for development, continued its four-year mandate lasting from May 1995 to May 1999.

75. Members of the Gender Advisory Board contributed to the discussions in the Information and Communication Technologies and Development working groups of the Commission, and to the preparation and review of draft reports. These efforts were reviewed at the inaugural meeting of the Board, held at Geneva in May 1997. Since then, the Board has concentrated its work on the establishment of a Regional Secretariat for Gender, Science and Technology in Southeast Asia and the Pacific, to be located in Jakarta, Indonesia and a proposed Regional Network for Gender, Science and Technology for Argentina, Brazil, Paraguay and Uruguay, to be established in Montevideo, Uruguay.

76. The Gender Advisory Board intends to hold its second meeting in Kampala, Uganda, in July 1998. At that time the Board will address opportunities for collaboration with the Commission and member Governments during the inter-sessional period. During the current inter-sessional period, the focus of the Commission's work will be the theme "Science and technology partnerships and networking for national capacity-building". At the July meeting, the Board will also consider opportunities for the establishment of a Regional Board Secretariat for Africa.

77. In addition, the members of the Board will review the results of collaboration with the Commission during the 1995-1997 inter-sessional period and the past year, to assess the effectiveness of the activities of the Gender Advisory Board and possible new directions for the future.

IV. Activities of the regional commissions

78. Since the activities of the regional commissions are discussed in the report of the Secretary-General on regional cooperation which is before the Economic and Social Council at its present session, the section below describes follow-up activities to the Fourth World Conference on Women that have been undertaken by the secretariats of the commissions in their respective regions.

A. Economic Commission for Africa

79. The capacity of the African Centre for Women of the Economic Commission for Africa (ECA), which is the institutional gender focal point of the Commission, has been strengthened. The Centre's leadership has been upgraded to the level of Director (D-1), similar to other substantive divisions and its Professional staff was increased.

80. In the context of the role of ECA in providing technical assistance to member States for the implementation of the outcomes of the major United Nations conferences, the African Centre for Women is in the process of holding five subregional meetings.

81. In order to promote gender mainstreaming within the Commission, gender issues have been officially defined as cross-cutting. Every substantive division is now required to integrate gender concerns in its work programme. To ensure this, ECA has appointed gender focal points in each division and in each of the five Subregional Development Centres of ECA. Furthermore, all the ECA Professional staff are undergoing a systematic training programme on gender mainstreaming.

82. On the occasion of its fortieth anniversary, ECA organized a conference entitled "Women and economic development: investing in our future". The conference was a collaborative effort between ECA and several United Nations organizations and bodies, namely the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Bank. The conference drew the attention of decision makers from government, the private sector and civil society at the highest level to women's access to resources, information technology and human rights. It featured a Forum of Heads of State, in which government leaders from six African countries reaffirmed their commitment to the implementation of the Platform for Action. The conference also gave fresh impetus to the involvement of non-governmental organizations.

B. Economic and Social Commission for Western Asia

83. One of the main focuses of the Economic and Social Commission for Western Asia (ESCWA) was mainstreaming gender. The Commission set up a working group on this issue with the goal of preparing an action plan on mainstreaming gender. Furthermore, ESCWA participated in various inter-agency efforts and working groups geared towards mainstreaming gender in the system.

84. Another important part of the work of ESCWA was research and dissemination of information on the status of women in the Arab region. Using the *World's Women: Trends and Statistics*, as a model ESCWA published a study entitled *Arab Women: Trends and Statistics*. Furthermore, ESCWA established a database on policies affecting women and the family, prepared a chapter entitled "Women and development in the ESCWA region", which was incorporated in the Commission's annual *Survey of Economic and Social Developments in the ESCWA Region, 1996-1997*. Also, the Commission produced a wall chart with data illustrating the situation of women and men in the region and a study on women in the food and textile industries.

C. Economic Commission for Europe

85. The Economic Commission for Europe (ECE) has taken various measures to mainstream gender in its own structure, policies and practices. In April 1997, it adopted a plan providing directions for its programme and methods of work. One of these directions was to make gender mainstreaming a cross-cutting concern in all activities. Subsequently, ECE established gender focal points in all its divisions.

86. In April 1998, ECE, jointly with the International Research and Training Institute for the Advancement of Women, held a meeting on gender statistics. The participating countries and organizations discussed national and regional developments in gender statistics as they related to the following substantive topics: economic well-being in terms of earnings, income and career mobility over the course of a lifetime; statistical measurement of violence and crime; progress made in implementing recommendations outlined in paragraph 206 and 207 of the Beijing Platform for Action; progress in the measurement of unpaid work and time-use; studies on improved statistics on ageing for policy needs; and caring activities.

87. An exchange of the most recent findings and best practices took place on all these issues and conclusions for further coordination and action were drawn therefrom. The meeting also agreed that an updated version of "Women and Men in Europe and North America, 1995" should be prepared for the year 2000. This would constitute one of the regional inputs to the review of the implementation of the Beijing Platform for Action, which is to be held in 2000.

D. Economic Commission for Latin America and the Caribbean

88. In November 1997, the Economic Commission for Latin America and the Caribbean (ECLAC) held the seventh session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean. The Conference adopted the Consensus of Santiago, which outlines measures to promote gender equality over the next three years. It proposed activities to mainstream gender in the areas of research and data collection, environment, political participation, education and the labour market. Furthermore, the Conference agreed on measures to combat violence against women, to strengthen national mechanisms for the advancement of women and to encourage equal sharing of roles within the family. The regional conference, which meets every three years, aims at implementing the regional Platform of Action for the Women of Latin America and the Caribbean, 1995-2001, and the Beijing Platform for Action. The activities of the Board of Presiding Officers have been reinforced and the liaison function with national machineries for the advancement of women in the region has been strengthened.

E. Economic and Social Commission for Asia and the Pacific

89. The Economic and Social Commission for Asia and the Pacific (ESCAP) carried out various projects to promote women's economic development. ESCAP continued implementing a project to empower women in poverty and is planning a regional meeting to establish a plan of action to alleviate the feminization of poverty. In order to promote women in small businesses, the Commission implemented a project to empower women in small businesses in Indochina and organized a training course for Women in entrepreneurship and enterprise development in cooperation with the Republic of Korea. Furthermore, ESCAP is carrying out a project to analyse the impact of globalization on women and to formulate policy recommendations.

90. Other projects were geared towards the promotion of women's human rights. As part of a project to combat violence against women, a subregional meeting of South Asian countries was held in December 1997 in Bangladesh. Furthermore, ESCAP has launched a project to promote the Convention on the Elimination of All Forms of Discrimination against Women through networks of non-governmental organizations. In order to disseminate the Beijing Platform for Action, ESCAP conducted a project which addressed grass-roots women on South Asia and gender-focused non-governmental organizations, and facilitated the production of documents and an information kit on the Jakarta Declaration and Plan of Action for the Advancement of Women in Asia and the Pacific and the Beijing Platform for Action.

91. To further strengthen the regional network in the area of gender, ESCAP conducted a three-day training workshop on new information technology. The workshop outcome will be linked to the global information network, WomenWatch.

V. Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination

92. The third session of the Inter-agency Committee on Women and Gender Equality took place from 25 to 27 February 1998 at United Nations Headquarters. Based on inter-sessional preparatory work that had been undertaken by several ad hoc working groups, further progress was made in improving coordination and strengthen cooperation in support of the implementation of the Beijing Platform for Action and of gender mainstreaming.

93. The Committee finalized for adoption by the Administrative Committee on Coordination (ACC) a statement entitled "Gender equality and mainstreaming in the work of the United Nations system: a commitment to action". The statement, which was adopted by ACC at its first regular session of 1998, is being widely disseminated for action by all United Nations entities. The Committee also welcomed action already taken by senior United Nations managers in response to the Secretary-General's letter transmitting for action agreed conclusions 1997/2 of the Economic and Social Council on gender mainstreaming,[15] and urged ACC members to take further action consistent with the agreed conclusions. It urged ACC to integrate fully the results of the Inter-agency Gender Mission to Afghanistan (12-24 November 1997) into the strategic framework on Afghanistan.

94. The Committee continued to prepare tools and methodologies to facilitate implementation of the Beijing Platform for Action and gender mainstreaming. To this end, a framework for collecting good practices was adopted. A portfolio of such practices for use primarily by resident representatives/coordinators, United Nations system managers and staff and by external audiences such as

Governments, is now being compiled. Efforts to identify qualitative and quantitative indicators to measure progress in gender mainstreaming, and to influence financial monitoring, classification systems and budget codes to ensure effective tracking of women-in-development and gender activities will continue inter-sessionally. The Committee will convene a workshop to clarify the implications, both at the policy level and operationally, of the rights-based approach to the advancement and empowerment of women and gender equality. This workshop, which was also endorsed by the Commission on the Status of Women, is intended to be the Committee's contribution to the fiftieth anniversary of the Universal Declaration of Human Rights. In addition, the workshop is expected to provide practical input into the work of the United Nations system to reflect a common vision of United Nations country teams on a rights-based approach to development. Furthermore, with a growing emphasis on gender mainstreaming in the United Nations system, and given the importance attached to the role and function of gender focal points in agreed conclusions 1997/2 of the Economic and Social Council, the Committee is now conducting a review of the women-in-development/gender focal point function in the United Nations system. A database/inventory of all gender training materials and instruments in use in the United Nations system is being compiled. The Committee endorsed WomenWatch as an inter-agency project, and several additional United Nations entities are expected to join this common United Nations gateway for information on women. Task managers were identified to lead the inter-sessional work on all these activities. Further action is expected to be taken by the Committee at its fourth session.

95. The Committee's input to the Turin workshop on integrated conference follow-up at the field level was subsequently reflected in the ACC statement on field-level follow-up to global conferences: guidance note for the resident coordinator system.

96. Coordination among the United Nations entities in preparing the *1999 World Survey on the Role of Women in Development* continued. Under the overall responsibility and guidance of the Division for the Advancement of Women of the United Nations Secretariat, and on the basis of an agreed annotated outline, lead entities for the preparation of various chapters were identified, and a timetable for completion of drafts was agreed upon.

97. The fourth session of the Committee will take place from 23 to 26 February 1999 at United Nations Headquarters. One day will be devoted to a dialogue between the Committee and a small number of resident coordinators and agency field staff to strengthen the knowledge base with regard to field-level implementation of gender-specific conference recommendations.

98. The Committee's Chairperson participated as a panellist in the session of the Economic and Social Council on integrated and coordinated implementation and follow-up of major United Nations conferences and summits, together with the convenors of the ACC task forces on conference follow-up and the Chairpersons of the Consultative Committee on Programme and Operational Questions and the Inter-Agency Committee on Sustainable Development.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[2] *Official Records of the Economic and Social Council, 1998, Supplement No. 7* (E/1998/27), chap. I, sect. B, draft resolution IV, sect. III.

[3] Ibid., draft resolution IV, sect. IV.

[4] Ibid., draft resolution IV, sect. I.

[5] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38* (A/47/38), chap. I.

[6] *Official Records of the Economic and Social Council, 1998, Supplement No. 7* (E/1998/27), chap. I, sect. B, draft resolution IV, sect. II.

[7] Ibid. chap. I, sect. A.

[8] Ibid., chap. I, sect. B.

[9] Ibid., chap. I, sect. D.

[10] A/52/3, chap. IV, para. 4.

[11] *Official Records of the Economic and Social Council, 1998, Supplement No. 6* (E/1998/26), chap. I, sect. B, resolution 36/1.

[12] Ibid., chap. I, sect. B.

[13] Ibid., *Supplement No. 5* (E/1998/25), chap. I, sect. C, decision 1998/1.

[14] Ibid., *Supplement No. 7* (E/1998/27), chap. I, sect. D.

[15] In this connection, see also the report of the Secretary-General on the implementation of the agreed conclusions of the 1997 coordination segment of the Economic and Social Council on mainstreaming a gender perspective into all policies and programmes of the United Nations system, which is before the Council at its present session.

United Nations E/1998/54

Economic and Social Council

Distr.: General
22 May 1998

Original: English

Substantive session of 1998
New York, 6-31 July 1998
Item 3 (a) of the provisional agenda*
Operational activities of the United Nations for international development cooperation

Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development

Report of the Secretary-General

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* E/1995/100.

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I. Introduction

1. By decision 1997/319, the Economic and Social Council decided that the high-level meeting of the operational activities segment of its substantive session of 1998 would be devoted to the theme "Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development". Consideration of the matter follows the in-depth review of gender mainstreaming by the Council in 1997 and the adoption of its agreed conclusions 1997/2.[1]

2. At the informal meeting held with delegations prior to the session, a separate report was requested. The present report responds to that request. It takes into account recent decisions of legislative bodies, and consultations undertaken with the Consultative Committee on Programme and Operational Questions (CCPOQ) of the Administrative Committee on Coordination (ACC) and United Nations system focal points on gender. Information was also reviewed from resident coordinators/representatives and Governments in response to a questionnaire sent to them in connection with the triennial comprehensive policy review of operational activities for development of the United Nations system.

3. During the past two decades, the United Nations system has built the foundation both for undertaking women-specific activities and for mainstreaming gender into agency missions, sectors and, to a lesser extent, policy dialogue. The Fourth World Conference on Women, held in Beijing in 1995, represented a watershed in the effort to secure the full participation of women on the basis of equality in all spheres of society. Since the Beijing Conference, and the adoption of the Beijing Declaration and Platform for Action,[2] there has been increasing momentum directed towards the development of policy instruments, procedures and training to mainstream gender. Mandates for mainstreaming gender have been designed and endorsed by various intergovernmental bodies, such as the Commission on Population and Development, the Commission for Social Development and the governing bodies of several United Nations specialized agencies, funds and programmes. These have also been reflected in programme budgets.

4. Following the Beijing Conference, the Inter-Agency Committee on Women and Gender Equality (IACWGE) was established as a standing ACC subsidiary committee of ACC. Also, as noted above, agreed conclusions 1997/2, addressed to the entire United Nations system, were adopted by the Economic and Social Council. Several recommendations set out in the agreed conclusions pertained directly to gender mainstreaming at the field level. The agreed conclusions were communicated by the Secretary-General in October 1997 to all heads of departments and bodies of the United Nations system for follow-up. Responses were received from 21 heads of agencies, funds and programmes. In addition, the Secretary-General's reform proposals submitted to the General Assembly in 1997 called for gender mainstreaming in all policies and programmes.

5. Since 1995, a number of United Nations organs, including the Economic and Social Council, the Third Committee of the General Assembly, the Commission on the Status of Women and the Inter-Agency Committee on Women and Gender Equality, have formulated recommendations to guide the implementation of the commitments in the Beijing Platform for Action and increase system-wide coordination. These recommendations have included guidelines for country-based activities, and have increasingly reflected the emphasis placed by the United Nations reform process on the integrated and coordinated follow-up to United Nations world conferences.

6. Many of the recent directives and initiatives of United Nations entities have been targeted at increasing the efforts of staff to use gender analysis in designing, implementing and assessing plans and projects as outlined in the report of the Secretary-General on the mid-term review of the implementation of the system-wide medium-term plan for the advancement of women, 1996-2001 (E/CN.6/1998/3), which is also before the Council at its present session.

7. Moreover, several aspects of the United Nations reform process have a direct impact on the ability of the United Nations system to integrate gender concerns into operational activities effectively. The Secretary-General's request to the United Nations funds and programmes to formulate and present their programmes of assistance in a United Nations Development Assistance Framework (UNDAF) as the common framework for collaborative programming, with common objectives and time-bound targets, aims at achieving goal-oriented collaboration, programmatic coherence and mutual reinforcement among the United Nations funds and programmes at the country level, and establishing better links among individual country programmes while responding to national priorities. A comprehensive and coherent approach to development cooperation programming of the funds and programmes (and possibly the entire United Nations system), opens the way for intersectoral themes, such as gender equality, to be reflected as part of the strategic framework.

8. As suggested in the provisional guidelines on UNDAF, the United Nations country team is expected to form or use existing intersectoral theme groups, including on gender issues, at the country level for follow-up to global conferences, taking into account national priorities. UNDAF, as opposed to the country strategy note (CSN), was initially conceived for use by the funds and programmes. The Secretary-General subsequently invited specialized agencies to associate themselves with the process, and consultations with the Bretton Woods institutions are envisaged.

9. The consolidation of Secretariat departments in the economic and social fields should facilitate increasing coherence and linkage between policy, normative and operational activities, and efforts are being made toward greater harmonization of competencies between the regional commissions and global bodies. These measures provide an enhanced *modus operandi* for optimizing and coordinating development cooperation and potentially for integrating such cross-sectoral concerns as gender.

10. Despite the increasing specificity of policy guidance, checklists and guidelines, and training and evaluation requirements, the assessment of the impact of these tools and procedures on field-level activities remains to be carried out systematically. This need was recognized by the Commission on the Status of Women at its forty-second session, in March 1998, when it requested a comparative report on how different categories of projects and programmes of United Nations organizations include women's interests and gender mainstreaming issues and on resources allocated in this regard.[3]

11. Economic and Social Council agreed conclusions 1997/2 on gender mainstreaming defined the concept of mainstreaming as a process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. This definition makes explicit the need for links between gender and other sectoral and cross-sectoral issues, such as environment, poverty alleviation and human rights, as part of ongoing efforts to support the translation of global commitments into concrete activities at the country level.

12. As regards human rights, and consistent with the Beijing Platform for Action, a growing number of United Nations entities, especially operational ones, are taking a greater interest in a rights-based approach to development. In this context, several have recognized the systematic and systemic nature of discrimination against women and the need to ensure the full realization of women's human rights in the development process. The rights-based approach goes beyond the needs-based development paradigm and introduces the notion of universal rights. In the case of the rights of women and girls, it is chiefly the Convention on the Elimination of All Forms of Discrimination against Women along with other international treaties that form a foundation for United Nations efforts. Denial of rights, whether as outright and direct discrimination or as a result of subtle but ingrained forms of structural and systemic disadvantage and inequality, perpetuates women's poverty, stymies .their contribution to the economic and social development of societies, and deprives communities and countries of their ideas and commitment to peace and progress.

13. In that context, and in response to legislative mandates, the Division for the Advancement of Women of the United Nations Secretariat is collaborating with the Office of the United Nations High Commissioner for Human Rights in efforts to strengthen the integration of a gender perspective into the technical cooperation activities of that Office. Other United Nations entities, such as the United Nations Children's Fund (UNICEF) and the United Nations Development Fund for Women (UNIFEM) have also been collaborating on programmatic initiatives in this area.

14. There has been relatively little time to assess the effectiveness of the post-Beijing initiatives. Nevertheless, it is possible to suggest some important future directions based on the evidence to date, including the exchange of experiences at intergovernmental, inter-agency and technical meetings, and in anticipation of the high-level review of the implementation of the Platform for Action in the year 2000. In this connection, it is important to bear in mind the comprehensive recommendations contained in Economic and Social Council agreed conclusions 1997/2, many of which apply directly to operational activities. At the end of each section of the present report, concrete recommendations are made for consideration by the Council, which are in addition to those contained in agreed conclusions 1997/2.

II. Capacity-building for gender mainstreaming

A. Institutional structure

15. Gender mainstreaming as a cross-sectoral issue is expected to be reflected fully in the four Executive Committees created by the Secretary-General. The United Nations Development Group has discussed the question of gender mainstreaming and has established a Subgroup on Gender and Development, which will be chaired by UNIFEM, and a work programme. The Executive Committee

on Economic and Social Affairs recently held a discussion on the gender dimension of its work. The Executive Committee on Humanitarian Affairs adopted recommendations for a principle-centred approach to guide United Nations operations in Afghanistan and welcomed the establishment of an ad hoc Inter-Agency Task Force on Gender Issues in Afghanistan under the leadership of the Secretary-General's Special Adviser on Gender Issues and Advancement of Women. Gender issues have also been taken up in the Executive Committee on Peace and Security.

16. The ACC Inter-Agency Committee on Women and Gender Equality is a key body to which the United Nations system is turning for leadership to strengthen system-wide support for the advancement and empowerment of women and gender mainstreaming. The Committee is mandated to develop tools and methodologies to facilitate practical steps in the follow-up to Beijing and other conferences, some of which are referred to in the present report.

17. The new Department of Economic and Social Affairs, of which the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women and the Division for the Advancement of Women are a part, is the Secretariat entity responsible for economic and social issues. The Department is seeking to mainstream a gender perspective in its work, for example in relation to poverty eradication. The recent reorganization included the reassignment to the Division of staff from the former Department for Development Support and Management Services with responsibilities for advisory services. While existing intergovernmental mandates will continue to be implemented, this will allow for a more focused provision of gender advisory services to Governments on request. Operational activities within the United Nations system will continue to rest primarily with the agencies, funds and programmes, with the Division's advisory services providing a complement to, rather than a substitute for, such activities.

18. As the main United Nations entities for the advancement of women, the Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women (INSTRAW) and UNIFEM have been mandated by the General Assembly to strengthen cooperation and coordination within their respective mandates in the implementation of the Beijing Declaration and Platform for Action. Similarly, in agreed conclusions 1997/2, the Economic and Social Council invited those entities, in their advocacy and advisory roles, to better coordinate their support and catalytic activities for gender mainstreaming and to identify and develop joint activities and workplans in appropriate areas.

19. Although their mandates are different, they are complementary. The Division for the Advancement of Women is a catalyst for advancing the global agenda on women's issues and for mainstreaming a gender perspective. INSTRAW, as a research and training institute, plays a catalytic role in stimulating further research on the advancement of women in collaboration with the Division, and conducts training seminars at the national level. UNIFEM promotes the political and economic empowerment of women by providing direct operational support at the national and regional levels. Examples of coordination among the three entities include projects on violence against women, support for training for non-governmental organizations on the Convention on the Elimination of All Forms of Discrimination against Women and the joint Internet site, WomenWatch.

20. A number of other actions are under way throughout the United Nations system to enhance institutional capacity for gender mainstreaming. In the case of the Office of the United Nations High Commissioner for Human Rights, for example, the process of integrating a gender perspective is still in its early stages. The Office is planning to undertake an analysis of its activities, practices and procedures from the perspectives of gender and women's human rights, benefiting from the work that has been done in other parts of the system, particularly with regard to institutional structures that can best facilitate the implementation of gender policies.

> **Recommendation: The Council may wish again to call upon the United Nations system to fully incorporate gender into the integrated follow-up to recent global conferences, and to continue to strengthen its capacity to support and implement world conference commitments related to women's human rights, women's empowerment and the elimination of violence against women.**

B. Guidelines and checklists

21. The third session of IACWGE, held in March 1998, covered a broad range of activities, including guidelines for the compilation of good practices in the implementation of the Platform for Action and gender mainstreaming, and established a timetable for their collection. Work is under way to develop guidelines in other areas as well, such as on performance indicators.

22. Within the ACC machinery, CCPOQ guidelines on a number of mechanisms and modalities either exist or are being finalized, covering a variety of issues (such as the

resident coordinator system, the programme approach, CSN, monitoring and evaluation, national execution), which define the functioning of the United Nations system at the country level. Many of these guidelines explicitly support ways of mainstreaming gender issues.

23. Moreover, most United Nations organizations and bodies have developed policies, guidelines, checklists and, in some cases, handbooks for gender mainstreaming (for example, UNICEF, United Nations Centre for Human Settlements (Habitat) (UNCHS), Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Telecommunication Union (ITU), the International Fund for Agricultural Development (IFAD) and the United Nations Industrial Development Organization (UNIDO)).

24. Two United Nations bodies have issued directives: the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA). The UNDP Administrator's Direct Line No. 11 on gender equality and the advancement of women, addressed to all resident representatives, lays out the commitment of UNDP to supporting gender equality and the advancement of women. The directive issued by the Executive Director of UNFPA in November 1997 draws the attention of staff to their individual responsibility for ensuring that a gender perspective is successfully mainstreamed in all policies and programmes. These two initiatives are in line with Economic and Social Council agreed conclusions 1997/2, in which the Council called upon agencies to develop institutional directives rather than discretionary guidelines for gender mainstreaming.

25. The priority attached to women's advancement at the field level is signalled by national/regional action plans. These give some insight into the institutions and processes being used to maintain the momentum generated by Beijing. Information on implementation strategies can be found in the synthesized report of the Secretary-General on national action plans and strategies for implementation of the Beijing Platform for Action (E/CN.6/1998/6), which examines plans provided to the Secretariat by 90 Governments, five subregional entities and one observer.

Recommendation: In keeping with its agreed conclusions 1997/2, the Council may wish to further encourage agencies to pursue the development of institutional directives for gender mainstreaming and women's equality.

C. Focal points

26. There is general agreement that the catalytic role of gender and women in development focal points is essential to gender mainstreaming, but questions remain about how best to institutionalize this role, so that attention to gender becomes irreversible.

27. At present, all UNDP country offices have designated gender focal points, as have UNDP headquarters regional bureaux, the UNDP Office of Human Resources, the Bureau for Resources and External Affairs, and each of the bureaux for policy development responsible for poverty, environment and governance. All UNDP headquarters gender focal points meet on a monthly basis as a Gender Advisory Committee to UNDP.

28. At UNESCO, the Unit for the Promotion of the Status of Women and Gender Equality, created in 1996, is the overall focal point responsible both internally and externally. The Unit works foremost through a network of focal points that have been assigned in each of the prominent units (sectors). Field offices and national commissions are being encouraged to assign gender in development (GID) focal points to the extent possible, and to cooperate on GID matters with other United Nations agencies.

29. All six of the WHO regional offices have focal points on women, health and development, who also promote work in the area of gender and development. At WHO headquarters, an Interdivisional Working Group on Gender serves as a resource group within the organization. In addition, a number of technical programmes have gender focal points, with budget allocations.

30. At UNHCR, there is one Senior Coordinator for Refugee Women based in Geneva and five Senior Regional Advisers for Refugee Women, based in the regions. There are also refugee women focal points for every country programme. Outside gender consultants are used, whenever deemed necessary; for gender analysis training and for specific purposes such as evaluations.

31. At the International Labour Organization (ILO), three additional posts of Senior Specialist on Women and Gender Questions were created: one at headquarters, and two in the regions – as part of multidisciplinary teams in Manila and New Delhi.

32. The gender team at UNICEF headquarters includes three Professional staff members. Most country and regional offices have full-time gender focal points. A global gender resource network and regional gender networks have been

established and have helped to ensure the mainstreaming of gender issues in country programmes.

33. Recently, UNFPA headquarters was reorganized, resulting in the establishment of a Gender Theme Group. Within the UNFPA country support team system, gender population and development advisers are appointed at the regional level to provide substantive assistance to country offices regarding the integration of gender into their programmes and projects. Gender focal points are appointed in practically all UNFPA country offices for day-to-day follow-up of gender concerns in programmes/projects.

34. As a first step in implementing its gendered habitat policy, UNCHS has created a Gender Unit, directly under the Executive Director, which will work closely with the Women and Habitat Programme of the Centre. The Coordinator of the Gender Unit is expected to be on board by June 1998. The strategic positioning of an operational women's programme and a gender unit that provides services throughout the institution provides a model for mainstreaming gender that can prove effective in practice.

35. At IFAD, one Senior Technical Adviser addresses both Gender and Household Food Security. During the biennium 1997-1998, under the direct supervision of the single Technical Adviser on Gender and Household Food Security, a number of staff working papers and other research activities were carried out. Sociologists and/or gender specialists are usually part of every design team. Gender specialists are sometimes included as full team members throughout the life of the project. The approach, however, is to ensure that implementation, supervision and monitoring activities address gender issues.

36. Several initiatives are under way designed to expand the extent of gender expertise available to the resident coordinator system. For example, over the next 18 months, UNIFEM will be placing gender advisers in 10 countries. Each gender adviser will be placed for a two-year term and will work closely with the resident coordinator and play a catalytic role in relation to the overall United Nations system at the country level. The gender adviser will focus on only one or, in some cases, two countries. Countries will be chosen on the basis of demonstrated interest and commitment of the resident coordinator and the level of activity and commitment on the part of government and civil society to the Beijing Platform for Action. Gender advisers will be fielded in phases.

37. In addition, UNIFEM, the United Nations Volunteers programme (UNV) and UNDP will be fielding 20 gender specialists, 16 of whom have already been placed. Gender specialists will assist the resident representative and the resident coordinator with such tasks as engendering project documents and supporting both UNDP and the United Nations system in order to strengthen support for the implementation of the Beijing Platform for Action at the country level. UNIFEM, UNDP and UNV are collaborating on providing training and orientation to the gender specialists, including efforts to support team-building and collaboration with gender focal points.

38. Although efforts are being made to strengthen expertise in gender mainstreaming at the field level through such means, the gender focal point system continues to experience weaknesses. A study commissioned by the UNIFEM Regional Programme Adviser in East Africa on coordination of United Nations gender activities in the region confirmed a number of the general concerns expressed globally regarding the effectiveness and capacity of gender focal points. It found that the dedication and determination of gender focal points was severely constrained by lack of commitment and inadequate institutional support from top leadership. Moreover, there were neither clear agency policies nor adequate budgetary allocations. The involvement of gender advisers in inter-agency mechanisms was therefore guided by the use of discretionary guidelines rather than institutional directives for coordination of gender mainstreaming.

39. The high turnover rate of gender focal points, inadequate substantive knowledge of gender analysis and programming skills and unrealistic job descriptions had aggravated the situation. Most gender focal points had their "regular" duties in addition to focal point responsibilities, which involved: coordinating work on gender mainstreaming; facilitating the work of others; collecting and disseminating information; acting as catalysts; linking people to integrate gender in different areas of responsibility. A number were also volunteers or had been recruited without any training or preparation.

40. Therefore, as efforts to use this modality for gender mainstreaming continue to grow, greater attention will need to be paid both to capacity-building to strengthen the expertise available through the gender focal point system and to ensuring that the effectiveness of their role is seen as part of senior management's responsibility.

41. In addition, more systematic analysis is needed of the current situation with respect to gender focal points. As a result of the decisions taken in March 1998, IACWGE will seek resources to conduct a review of the women in development (WID)/gender focal point function in the United Nations system, with a view to making

recommendations on a core set of criteria to guide the system in relation to such focal points.

Recommendation: The Council may wish to reiterate the need for a study of the role of gender units and focal points, including a focus on the extent to which focal points have support from and access to the highest levels of decision-making.

D. Strategic frameworks and programming

42. As in the case of development assistance in other areas, a national policy environment for the advancement of women is of crucial importance in order for United Nations system support to be possible. The feedback obtained from a review of the replies received on the issue of gender included in the questionnaires sent to both Governments and resident coordinators in connection with the triennial comprehensive policy review indicated that the level of government readiness for assistance in gender programming varies considerably. From the responses, it appears that Governments are at varying stages of development regarding gender programming, ranging from those Governments that have expressed no interest in having women-specific projects, those that support sporadic women-related projects and those that have established national policies and/or national machineries to address gender, to those that have developed and/or are implementing a national action plan, either utilizing women-specific or mainstreaming approaches.

43. For those Governments involved and/or interested in gender programming, the issue is often framed in terms of capacity-building for gender mainstreaming. Current and projected United Nations system support for capacity-building in gender mainstreaming and the advancement of women includes, *inter alia*, assistance in gender policies, development of national action plans, strengthening of national machineries, national sex-disaggregated data, women's human rights, and increasing women's economic participation and employment opportunities.

44. The emphasis placed by the United Nations reform process on the integrated and coordinated follow-up to United Nations world conferences has the potential to break new ground in achieving the goal of women's equality. In this connection, it is important to note the crucial role of the resident coordinator system in mobilizing the United Nations system to introduce gender mainstreaming in a coordinated manner at the country level. The follow-up to the Fourth World Conference on Women and gender mainstreaming must be adequately reflected in the frameworks for integrated follow-up to United Nations conferences that are in place in the United Nations system. The resident coordinator system, through strategic and programming frameworks, such as the country strategy note, the common country assessment (CCA) and the United Nations Development Assistance Framework is the main entry point in this regard.

45. An Inter-Agency Workshop on Field-level Follow-up to Global Conferences was organized by CCPOQ, the United Nations Development Group Office (DGO) and the United Nations Staff College (UNSC) at the ILO Training Centre at Turin in December 1997, with a view to developing guidance, in particular for the resident coordinator system, on an integrated and coordinated follow-up at the field level to the recent United Nations global conferences. The Workshop was convened in the context of the comprehensive assessment carried out by the Administrative Committee on Coordination, at its second regular session of 1997, on the integrated and coordinated follow-up to the global conferences, on the basis of reviews by three ACC task forces and the work of other relevant ACC subsidiary mechanisms (CCPOQ, the Inter-Agency Committee on Sustainable Development, IACWGE and the like).

46. The Workshop, which constituted a further step in the ongoing process of improving country-level programming coordination for the follow-up of global conferences, brought together representatives of the ACC task forces and other inter-agency mechanisms, designated lead agencies, resident coordinators and agency field representatives. This facilitated the exchange of views from different parts of the system on the conclusions and recommendations of the ACC task forces as well as on the experience gained to date on the implementation of the plans and programmes of action emanating from the global conferences.

47. Among the key recommendations emanating from the Workshop was that follow-up action on the themes emerging from global conferences should be strengthened through specific steps taken to deepen the understanding of United Nations staff, Governments and other partners on cross-cutting recommendations of the conferences. With regard to gender mainstreaming, the recommendations made related to ensuring that women's empowerment and gender equality strategies were incorporated into UNDAF, CSN and the like; supporting efforts to gather and "package" data disaggregated by sex; making full use of expertise of gender focal points, UNIFEM, the Division for the Advancement of Women and INSTRAW; supporting the convening of inter-agency thematic groups on gender; building competence and capacity in gender responsive programming for United Nations: staff and partners; consulting with and

providing financial support to non-governmental organizations and national machineries for women working on post-conference strategies; and improving and coordinating the ways in which United Nations agencies supported women's human rights and strategies to eliminate violence against women. It was also felt that the resident coordinator system should support the Government's national reporting processes to United Nations intergovernmental bodies, as appropriate. The Workshop also discussed "best practices" and their potential importance in stimulating and promoting conference follow-up.

48. At its twelfth session, in March 1998, CCPOQ endorsed the recommendations of its Working Group on the resident coordinator system to convert the guidance contained in the report of the Workshop into an ACC/CCPOQ note to be distributed to all United Nations system country teams and other agency representatives.

49. Notably, CSN, where it is applied, represents an opportunity for the United Nations system to interact with the host Government in identifying those national priorities to which the system can respond with its development support. Gender issues have been identified as a priority theme in many CSNs already adopted. The introduction of UNDAF represents an additional opportunity to emphasize, within the framework of a coordinated follow-up to global conferences, the importance of gender issues as a cross-cutting theme for United Nations support. However, as indicated above, UNDAF does not currently encompass the activities of the entire United Nations system, but is limited to those of the funds and programmes.

50. Whether or not there is a CSN and/or an UNDAF, the internalization of gender issues in the operational activities for development of the United Nations system at the country level may benefit from the establishment of a theme group on gender in development, comprising United Nations system organizations and other entities, particularly at the national level.

51. The resident coordinator system will prepare annual reports to reflect the experience and progress towards the achievement of objectives as described by the organizations of the United Nations system at the country level in their annual work plans. These plans will cover the initiatives to coordinate and promote collaborative development actions mainstreaming gender issues in the development cooperation cycle of United Nations system support for the host countries.

52. Despite their role as frameworks in the follow-up to global conferences, the guidelines for the formulation of CSN and the provisional guidelines on UNDAF, respectively, make reference to gender issues only as possible examples of priority themes, without pointing to gender concerns as major issues to be singled out. However, this also applies to other substantive issues such as sustainable development, poverty alleviation, and human development, since the guidelines were formulated focusing on the procedures related to those mechanisms and avoided referencing those cross-sectoral development issues that should deserve top priority. The task of identifying the top theme priorities is left to the United Nations country team and/or the representatives of the host Government and other national entities. Nevertheless, since the process of formulating both CSN and UNDAF derives from a consultation process at the country level for the implementation of global conferences and other international agendas, these mechanisms should necessarily stress gender issues as a key cross-sectoral topic that has been highlighted in the various platforms and agendas. The experience in the 32 countries where CSN has already been adopted confirms the relevance of gender issues as a principal priority for those CSNs. The pilot phase of UNDAF, now in the process of its completion, will show the extent to which gender issues have played a major role in defining the priorities for United Nations system collaborative programming.

53. In the preparation of UNDAF, an important step is the common country assessment, which requires collaborative action through the collection of data and information required to assess the priority orientation of the development cooperation programmes of the United Nations funds and programmes or of the system, if other components participate in UNDAF. In the pilot phase, a tentative selection of indicators was suggested in the appendix to the provisional guidelines of UNDAF, which identifies eight distinct areas: (i) population, (ii) mortality and fertility, (iii) health, (iv) education, (v) income and employment, (vi) habitat and infrastructure, (vii) environment and (viii) human security and social justice.

54. Although gender is not among the eight components, a closer examination reveals that most of the indicators have been gender disaggregated. This proposal builds on the experience with the common country assessment piloted by the Joint Consultative Group on Policy (JCGP) and is now incorporated in the UNDAF process.

55. UNDAF is now being piloted in 18 countries. The pilot phase is to be assessed during 1998 and UNDG will submit a report on the experience to the Secretary-General by the end of the year, with possible conclusions and recommendations about the suitability of the new framework for larger-scale application. One of the issues that will be

UNDAF Experience in Mozambique

Based on the country strategy note of 1995, of the Government of Mozambique and other assessments and directives, UNDAF/Mozambique aimed at coordination at three levels: inter-agency programming; joint resources; and coordination with donor efforts. Gender and Development was identified as one of the 11 common areas of development assistance. The Gender Theme Group participants are UNIFEM, UNDP, UNFPA, UNICEF, the World Food Programme and the World Bank. Gender-specific programmes total $1.842 million, representing 0.31 per cent of the total planned or estimated budget for the period 1998-2001. In addition, the intersectoral nature of gender has been fully taken into account and mainstreamed into other themes, such as education, health and governance.

examined in this assessment will be the suitability of this instrument to enhance inter-agency coordination and promote collaborative programming, since the mechanism was conceived initially as limited to the United Nations funds and programmes. One of the aspects foreseen in the pilot assessment is the suitability of UNDAF as a tool to assist in the implementation of the Beijing Conference.

56. However, ensuring that the new framework and its implementation proceed with full attention to the results of the Fourth World Conference on Women and gender mainstreaming is a collective responsibility of the United Nations system, including IACWGE. This is especially important as the system moves to undertake the review and appraisal of progress towards gender mainstreaming and the identification of further actions and initiatives required to ensure its implementation. At the same time, given that UNDAF is still in a pilot stage, due attention should be paid to ensuring that a gender equality perspective is fully reflected in other planning frameworks for cooperation currently being implemented.

57. As gender mainstreaming is integrated cross-sectorally, systems for tracking resources devoted to gender must be put in place to enable review and assessment of these activities. The early experience with UNDAF in Mozambique, a pilot in 1997 that has yielded encouraging results, suggests the potential of this framework for integrating gender into a coordinated approach to United Nations system efforts at the field level.

58. The recent study of coordination of United Nations gender activities in the Eastern African region (see para. 38 above), found that field staff agreed that the most effective way of enhancing coordination of United Nations gender activities in that region was through the UNDAF process. They recommended that gender advisers and focal points work together to ensure that the identification of issues and priorities in the common country assessment included a strong gender analysis of priority areas. They also found that coordination was hampered by a lack of information flow between gender units and divisions at headquarters and the field. Most of the United Nations agencies in the region were not aware of the series of recommendations to guide implementation of the commitments in the Beijing Platform for Action and increase system-wide coordination. They continued to develop gender action plans and indicators for women's empowerment and gender equality strictly along individual mandates. There was no conscious effort to determine, at the level of conceptualization and formulation, where the gaps were, which agency was capable of filling the gaps, and tentative proposals for possible action.

59. On the other hand, the study also found that in Ethiopia the Inter-Agency Women's Group on Gender and Development had assembled training materials and manuals from agencies represented, with a view to helping United Nations agencies sensitize their staff members on gender issues through the development of joint advisory and training activities. Notably, the members of the group had not only developed their terms of reference together, but had also agreed to develop a common gender policy statement and strategy at the country level to mainstream gender and respond in a unified manner.

60. Inter-agency thematic or working groups on gender exist in Brazil, Mexico, Senegal, Zimbabwe, Kenya, Thailand and India. These groups involve gender focal points from all of the other United Nations agencies operating in the country in meetings, information sharing and joint activities to promote gender equality. While the activities and structure of these groupings vary from country to country – for example, in Senegal, the group includes United Nations agencies as well as bilateral, government and non-governmental organization participants, whereas in Mexico it is limited to United Nations agencies – they provide a powerful focus for coordination.

61. One of the challenges facing gender advisers in their coordination efforts is whether or not to define an inter-agency mainstreaming policy, and if so, what issues such a policy should address. There is need for caution in setting up rules and regulations for coordination so as to ensure that agency differences in orientation and approach are not stifled. Instead, any such policy would have to adopt a learning process approach and be formulated in broad terms that allowed for flexibility and adaptation. At the very least, it should spell out procedures for stakeholder involvement and establish a mechanism for achieving this involvement.

62. The Inter-Agency Gender Mission to Afghanistan resulted in the development of a coherent set of guidelines for field staff for implementing a principle-centred approach to humanitarian and development assistance with indicators for measuring progress on a wide range of gender issues. Based on the work of the Mission, ACC subsequently stressed that gender issues needed to be fully integrated into the "strategic framework" process for countries in crisis.

63. An example of the United Nations system collaborating together at the regional level to increase impact and fulfil commitments to gender equality goals is the Latin American and Caribbean Campaign to Eliminate Violence against Women, designed to coincide with activities that celebrate the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the World Conference on Human Rights. The campaign, entitled "A Life Free of Violence: It's Our Right",was convened by UNIFEM in 1997 and is being coordinated by the UNIFEM office in Ecuador. UNDP, UNICEF, UNFPA, UNHCR, the United Nations High Commissioner for Human Rights and the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome are all participating in the planning, launching and implementation of numerous activities, and different agencies are taking the lead for different aspects of the work. Currently, 19 Latin American and Caribbean Governments have formally endorsed the campaign.

Recommendations:

(i) The Council may wish to suggest the review of several critical factors during the ongoing review of the UNDAF framework, such as the need to ensure that long-term commitments are built into the design of programmes; that meetings among agency heads to plan and coordinate activities are followed up with meetings at the working level to ensure efficiency; that methodologies are established for effective tracking of resources; and that care is taken to ensure integration of technical contributions from agencies not represented in the field.

(ii) The Council may wish to emphasize that United Nations organizations should undertake gender analysis in preparing CSNs and CCAs and in formulating UNDAFs, including those for countries in crisis, to ensure that strategies for gender mainstreaming and women's empowerment are incorporated.

(iii) The Council may wish to emphasize the importance of combining sex-disaggregated data and research available through the CCA and the CSN processes to ensure that programmes are formulated with a clear understanding of the differential impacts and opportunities that they will have for men and women;

(iv) The Council may consider recommending that support be given on a priority basis to the collection by Governments of information disaggregated by sex on the 15 indicators in the Minimum National Social Data set agreed by the Statistical Commission in view of the importance of data for gender mainstreaming.

(v) The Council may wish to endorse the proposal to convene field-level inter-agency thematic groups on gender, while at the same time making it clear that all inter-agency thematic or working groups should incorporate gender analysis into their work.

(vi) The Council may wish to reiterate the importance of promoting and supporting ratification, compliance with and reporting on, the Convention on the Elimination of All Forms of Discrimination against Women through the resident coordinator in view of the importance of the Convention as a framework for gender equality.

E. Accountability and evaluation

64. Overall, a new management culture is being promoted in organizations of the United Nations system that puts greater responsibility and accountability on staff at various levels. This presents many opportunities to strengthen attention to gender issues. Notably, in April 1998 the heads of United Nations agencies, funds and programmes that constitute ACC adopted a mission or advocacy statement for the United Nations system as a whole on gender equality and mainstreaming. In addition, following the Beijing

Conference, most United Nations entities have a policy on gender mainstreaming.

65. There is, however, need for greater accountability at all levels to ensure effective gender mainstreaming. This was highlighted in the draft resolution on the mid-term review of the system-wide medium-term plan for the advancement of women recommended by the Commission on the Status of Women for adoption by the Economic and Social Council,[4] by which the Council would urge the Secretary-General to ensure that obstacles encountered in the implementation of the plan were dealt with effectively, in particular through heightened accountability at all levels, particularly that of senior managers.

66. Monitoring mechanisms and information are important for accountability and evaluation. At the field level, the inter-agency project promoted by UNIFEM (in collaboration with UNICEF, UNDP, UNFPA and the Pan American Health Organization in Mexico is supporting relevant governmental sectors in developing a statistical system that can be used to improve gender analysis and evaluation in relation to poverty alleviation programmes. In India, UNIFEM is convening an inter-agency group to make data gender sensitive so as to reflect women's roles and status better. The group is supporting activities to ensure a more gender-sensitive national census process in 2001.

67. At UNHCR, periodic evaluations of programmes take place to ascertain whether gender is being addressed adequately and its impact on all policies and programmes. To strengthen organizational responsibility and accountability for gender mainstreaming, the career management system has incorporated gender and empowerment of women as an indicator in the core competency. Accountability for the implementation of the policies and guidelines for refugee women is being incorporated in the managerial and functional competencies of the career management system. Gender analysis is not a routine element of all evaluation, programming and budgetary procedures, nor has a system for tracking performance been put in place. However, sex-disaggregated data is collected and used in the planning process and progress is reported in annual and periodic reports.

68. At UNICEF, evaluations of gender mainstreaming are included in the mid-term review of the country programme and provide an assessment of progress with respect to the goals of the country programme and UNICEF. Regional focal points periodically assess regional progress by organizing specific meetings, visits to country offices and consultations. A global synthesis and analysis of programme experience is prepared annually and included in the annual report of the Executive Director to the Executive Board. UNICEF follow-up to the Fourth World Conference on Women, including implementation of the Beijing Platform for Action, is incorporated in the annual report of the Executive Director to the Economic and Social Council. Nevertheless, mainstreaming gender does not receive attention at senior management levels for policy implementation in a consistent manner. Very few offices have instituted mechanisms for responsibility, accountability and coordination for mainstreaming gender issues. Moreover, perceptions that gender issues are synonymous with women's issues results in poor understanding of the issues and their implications for programming. This has been a major drawback in changing attitudes and eliciting commitment from staff across all levels.

Recommendations:

(i) The Council may wish to recommend that by the year 2000, one third of resident coordinators should be able to report concretely on the setting up of gender theme groups and on the use of resources for gender mainstreaming activities, and that by the year 2002, at least two thirds of resident coordinators should be able to do so.

(ii) The Council may wish to suggest that the Secretary-General's report for the review of the implementation of the Beijing Platform for Action in the year 2000, on progress in gender mainstreaming in operational activities, should be prepared with inputs from the United Nations Development Group and the Inter-Agency Committee on Women and Gender Equality and be submitted to the Economic and Social Council in 2000 to facilitate further review of progress in mainstreaming gender in operational activities.

F. Staff training and development of training materials

69. Most agencies have staff training programmes in place to support gender mainstreaming. For example, at UNDP a high priority is placed on strengthening the capacities of gender focal points, through a series of one-week learning, consultation and briefing workshops over a three-year period at the regional/subregional levels and in selected country offices on a pilot basis. The workshops are organized and facilitated by the Gender-in-Development Programme (GIDP). The workshops focus on meeting the needs of

gender focal points in their work at the country level. In addition, the Gender-in-Development Programme has prepared an information package for all gender focal points, including guidance on gender mainstreaming and specific thematic issues for gender mainstreaming.

70. At UNHCR, in seeking to mainstream women, a gender analysis training framework, "People Oriented Planning" (POP) was designed. UNIDO developed a set of gender training modules as well as a trainers' manual for staff training at headquarters.

71. At UNFPA, training on gender population and development has been undertaken at various intervals at headquarters. Currently, UNFPA is finalizing a three-year project that has been developing tailor-made gender, population and development training materials for all the different cadres of the organization in an effort to institutionalize training in this area among its staff.

72. At UNICEF, major efforts have been made at headquarters and field offices in the training of trainers, gender focal points, UNICEF Professional staff and counterparts. To date, three reviews of the capacity building programmes have been undertaken to make mid-course corrections and respond to emerging needs. Adoption of the rights-based approach has created a demand for in-house capacity building. Orientation on the Convention on the Rights of the Child and the Committee on the Elimination of Discrimination against Women for UNICEF staff was arranged for gender focal points during May 1997. Following upon the regional Men and Women as Leaders Workshops organized for senior women Professional staff during the biennium 1996-1997, in 1997, a Men's Leaders Workshop was held for senior male Professional staff in Asia, which was also found to be useful in understanding gender dynamics in the work situation.

73. At UNESCO, field offices are encouraged to cooperate on GID matters with other United Nations agencies in their country of operation in learning how to apply gender mainstreaming, as its own gender training efforts cannot as yet reach all of its offices. This form of cooperation among United Nations agencies at the country level is worthy of note and should be strengthened.

74. In addition to training geared to staff, many United Nations organizations and bodies, including UNICEF, UNFPA, UNHCR, INSTRAW, UNESCO and UNIDO, are engaged in conducting training seminars at the national and regional levels focused on gender mainstreaming and the advancement of women. Some of the areas in which training has been carried out are statistics and indicators on women; women, water supply and sanitation; women, environmental management and sustainable development; refugee law and rights awareness and skills; peaceful means of conflict resolution; gender, population and development; development of women entrepreneurs in various subsectors; women in manufacturing and industry; and gender-sensitization of teachers and administrators. Training is provided to national civil servants, non-governmental organizations, academics and community workers. During the biennium 1996-1997, the shift to capacity-building for gender at decentralized levels was noted by UNICEF, with positive results. Frontline workers and volunteers in area-based projects were reached.

75. A number of constraints and challenges have been identified with regard to both staff and country-based training, including the following: not all country office staff have been trained on gender mainstreaming; training manuals need to be adapted to local contexts, very few organizations have evaluated the impact of training and most countries have had difficulty in translating training into concrete follow-up actions. Among the reasons for the difficulties are the lack of support from senior colleagues, the level and competence of gender focal points in the office, the lack of commitment to gender mainstreaming among counterparts and the non-availability of appropriate tools.

76. The development of separate gender training materials and modules by each United Nations agency for gender sensitization and skills' development poses the risk of duplication of effort. In that connection, attention is drawn to the possibility of developing a framework for gender training programmes based on a clear vision of what United Nations agencies hope to achieve as a result of training. For example, joint training activities could be designed to take into account such matters as cultivating the commitment of leadership to enhance accountability; imparting skills for gender mainstreaming in day-to-day operations; defining specific indicators for effective impact assessment; and developing a strategy for gathering gender-disaggregated data.

77. Finally, it should be noted that training alone is not sufficient to achieve the necessary and desired changes in attitudes and behaviour appropriate to gender mainstreaming: it needs to be complemented with adequate technical support in programme preparation and implementation.

Recommendations:

(i) Council may consider recommending that training should be provided to resident coordinators to enhance their capacity to

operationalize their responsibilities in the context of the Beijing commitments at the country level.

(ii) The Council may wish to stress that the United Nations country team, under the leadership of the resident coordinator, should be knowledgeable about the commitments that the United Nations system has made to gender equality and women's empowerment and, if necessary, receive training in gender impact analysis, as well as in formulating, implementing and evaluating programmes that incorporate gender and support women's empowerment.

(iii) The Council may wish to call for research to be carried out on how gender analysis is being applied at the country level and for training to be provided in its use as a tool for gender mainstreaming.

III. Resource mobilization for gender mainstreaming

78. UNDP decided in 1997 that each of the UNDP Global Programmes (Poverty, Environment, Governance) would need to allocate at least 20 per cent of its resources to gender mainstreaming, in addition to a core Global Gender Programme allocation of 10 per cent bringing total UNDP global resources allocations to at least 28 per cent. Each of the five regional programmes is committed to allocating at least 20 per cent of its UNDP regional allocations to gender mainstreaming. Through Direct Line No. 11, a communication from the Administrator of UNDP to all country offices, UNDP resident representatives have been encouraged to consult with Governments, with a view to allocating 20 per cent of UNDP core resources to gender mainstreaming and the advancement of women. GIDP is working with all units to develop indicators and tracking mechanisms. Initial responses from country offices indicate that priority programme areas include poverty eradication, gender mainstreamed programmes, legal and policy frameworks, economic empowerment, governance issues, peace-building, violence against women campaigns, and health and education for women and girls. While the decision to earmark funds for gender mainstreaming is an important step, there is as yet no systematic evidence of its impact, particularly on whether these funds will reach local communities and non-governmental organizations working on activities for the advancement of women.

79. Funds for gender mainstreaming are available in country programme budgets at UNICEF from general resources. Country offices have raised funds from supplementary resources for specific initiatives for girls and women – for example, girls' education, female genital mutilation, support for activities of non-governmental organizations, maternal mortality reduction, sexual exploitation and women's literacy programmes. The new programme and financial monitoring system will allow for closer and sharper monitoring of funds for gender mainstreaming and programmes for women and girls systematically, at all levels of the organization.

80. Although agencies with specific mandates for gender mainstreaming tend to have small budgets, some larger United Nations entities have begun the process of internal reallocation of funds towards gender mainstreaming. In general, there is evidence of some positive changes taking place in the allocation of financial resources for gender mainstreaming. As much as this could be a valuable indicator of the level of priority being attached to the issue, there is insufficient evidence at this stage to discern the extent to which priorities are actually shifting towards gender concerns.

81. At UNESCO, further to the request of the member States to improve the organization's planning process, and in line with their decision regarding women and girls as a top priority, the preparation of the most recent work plans and budget allocations for the biennium 1998-1999 took into account a new methodology that requires a clear indication of financial resources (expressed as a percentage) attributed to actions that target women and/or girls. Thus, earmarked activities will henceforth be monitored systematically by the Unit for the Promotion of Women and Gender Equality in cooperation with the administrative offices of each substantive sector. Despite the above-mentioned improvements, the substantive sectors have a tendency to elaborate "women specific" projects rather than to integrate the gender perspective in the major part of their work, as gender mainstreaming requires. This is mostly due to the as yet weak understanding of what gender means, and how it can be operationalized in each specific project.

82. At IFAD, systems for gender-sensitive budgeting are expected to be put in place with the development and use of an operational-type manual. The "Manual for household food security and gender issues in project design" will become obligatory for use in the design, implementation and evaluation of projects. Research is under way to identify the best and most cost-effective approaches to data collection and analysis for the identification of household food security and gender issues in project design.

83. A number of other agencies do not yet have a system for gender-sensitive budgeting.

84. IACWGE has a task force on budget codes/markers and financial monitoring systems for gender mainstreaming. The task force is gathering information on the methodologies of various agencies for tracking resources allocated to women and development activities and those with a gender perspective, with a view to advocating that financial systems should be developed in such a way as to enable effective tracking of such activities and of the resources allocated to them. IACGWE is also interested in efforts being undertaken at the national level to "genderize" budgets.

Recommendations:

(i) The Council may wish to recommend that United Nations entities follow up earmarking of funds for gender mainstreaming by assessing the use of the funds so allocated, including whether they are being used to support gender mainstreaming activities carried out by local women's organizations.

(ii) The Council may wish to encourage financial support to be provided to national machineries and non-governmental organizations that are developing gender-sensitive budgets.

(iii) The Council may wish to recommend that financial management systems have the capability of monitoring the nature and extent of gender mainstreaming and women's development as a cross-cutting theme and that programme staff are consulted in the development of new budget and classification schemes.

Notes

[1] A/52/3, chap. IV, para. 4.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] *Official Records of the Economic and Social Council, 1998, Supplement No. 7* (E/1998/27), chap. I, sect. A (Draft resolution to be recommended by the Council at its organizational session for 1998 for adoption by the General Assembly). See Council resolution 1998/2.

[4] Ibid., *Supplement No. 7* (E/1998/27), chap. I, sect. B, draft resolution III.

United Nations E/1998/54/Corr.1

Economic and Social Council

Distr.: General
29 June 1998

Original: English

Substantive session of 1998
New York, 6-31 July 1998
Item 3 (a) of the provisional agenda*
Operational activities of the United Nations for international development cooperation

Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development

Report of the Secretary-General

Corrigendum

Paragraph 20

At the end of the paragraph, above **Recommendation**, *insert*

The Food and Agriculture Organization of the United Nations (FAO) established an interdepartmental Committee on Women in Development which provides policy guidance and facilitates coordination and decision-making on substantive and operational matters to implement its Plan of Action (1996-2001).

Paragraph 23

After (UNHCR), *insert*

FAO,

Paragraph 30

At the end of the paragraph, *insert*

The FAO interdepartmental Committee on Women in Development is supported by a network of gender focal points and core technical review groups in each technical division

* E/1998/100

98-18871 (E) 020798

and by the Women and Population Division at Headquarters. A gender specialist is assigned to each of the five regional offices of FAO.

Paragraph 68

At the end of the paragraph, above Recommendations, ***insert***

The FAO Secretariat reports every two years to the FAO Conference on the implementation of the Women in Development Plan of Action and gender mainstreaming within the Organization and in member countries.

Paragraph 70

Before existing paragraph 70, insert a new paragraph, ***reading***

70. FAO continued to strengthen the commitment of its staff to mainstream issues of gender, a cross-sectoral issue, within their mandate and technical areas of expertise. A major initiative in this direction was the implementation of an innovative consultative and participatory process, involving 24 Divisions, to develop the Women in Development/Gender Programmes of Action for three biennia, 1996-2001. The consolidated divisional inputs, which took into consideration other pertinent issues, such as the Platform for Action of the Fourth World Conference on Women and its follow-up, resulted in the aforementioned Plan of Action.

and renumber the remaining paragraphs accordingly.

Paragraph 77

Before paragraph 77 (as renumbered), insert a new paragraph, ***reading***

77. A socio-economic and gender analysis programme has been developed by FAO for use in capacity-building for governmental and non-governmental personnel, consultants and experts in member countries. It incorporates an approach to sustainable development work, based on an analysis of the socio-economic patterns that affect development projects and programmes in practice and emphasize the necessity for the participatory identification of women's and men's priorities for development. The aim is to strengthen analytical and managerial methodologies and tools at the macro, intermediate and field levels. These materials have been pilot-tested, with local adaptations, in countries on four continents, and further adaptations and tools are being developed, in English, French, Spanish and Portuguese.

and renumber the remaining paragraphs accordingly.

United Nations E/1998/55

Economic and Social Council

Distr.: General
22 May 1998

Original: English

Substantive session of 1998
New York, 6-31 July 1998
Item 2 of the provisional agenda*
Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization

Note by the Secretary-General

The Secretary-General has the honour to submit to the Economic and Social Council the report prepared by the secretariats of the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organization on market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization (see annex).

* E/1998/100.

98-14504 (E) 250698

Annex

Report prepared by the secretariats of the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organization on market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization

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Summary

1. The Uruguay Round of multilateral trade negotiations resulted in significant improvements in conditions, as well as security, of market access. Improved security of market access was achieved through the spread of tariff bindings, particularly by developing countries, and the multilateral trade agreements, which effectively prohibit those non-tariff barriers that cause the greatest threat to the credibility of the multilateral trading system. The General Agreement on Trade in Services (GATS) has introduced a contractual framework for ensuring security of access for trade in services, including for foreign investment and movement of persons and for the negotiation of improvements in such access.

2. Since the establishment of the World Trade Organization, important multilateral negotiations have been concluded that have greatly increased market access for information technology products, basic telecommunication services and financial services. Such liberalization in goods and services sectors demonstrates that the World Trade Organization provides a forum for continuous negotiation of market access improvements. In addition, the dispute settlement mechanism of the World Trade Organization provides effective recourse to countries for defending their market access rights. Such security is not enjoyed by the various developing countries and countries in transition that are not members of the World Trade Organization, including those that are seeking membership in the World Trade Organization.

3. However, significant tariff barriers and high variance, with tariff peaks and escalation, still affect a significant number of products. This reflects the fact that in the Urúguay Round certain countries offered only small tariff reductions or none at all for some sensitive products. Furthermore, the tariffication of quotas and other non-tariff measures in the agricultural sector was reflected in higher tariff peaks, with limited reductions in protection levels. The Uruguay Round negotiations, unlike some earlier negotiating rounds, did not establish specific targets for tariff harmonization.

4. Non-tariff measures continue to affect exports from developing countries. Under existing phase-out programmes in the Agreement on Textiles and Clothing (ATC), many quotas will not have been eliminated before 2005, the end of the 10-year phase-out period envisaged in the ATC.

5. Some national or international product standards are difficult to meet, leading to reduced export opportunities for many developing countries. A coherent approach to this problem would need to promote greater transparency and notification of standards; encourage more active participation of developing countries in setting new international standards; and increase international support for eradicating some of the most serious and long-standing animal and plant diseases in the countries most affected by such problems.

6. Improved market access and increased market penetration have given rise to more intense demands from domestic producers in many countries for "trade remedies" in the form of contingency measures like anti-dumping actions. The most affected sectors include metals, plastics, textiles and clothing, footwear and headwear. Traditionally, a few developed countries have been the major users of such measures, but certain developing countries have begun to use them with greater intensity.

7. During the first half of the 1990s, developing countries (particularly the more advanced ones) achieved impressive export growth in products with middle to high value added and technological content, notably machinery and transport equipment and chemicals. These products face relatively low market access barriers in developed and, to a lesser extent,

developing country markets. On the other hand, market access barriers are considerably higher for products with lower value added and technological content, particularly agricultural products, textiles, clothing, footwear and leather products. These are the main products of export interest for low-income developing countries and the least developed countries. Exports of these products have generally expanded at a lower rate than the corresponding exports of more advanced developing countries.

8. The degree of market access commitments on trade in services varies considerably among sectors and in relation to particular modes of supply. Considerable scope remains for further liberalization in a range of service sectors. Notable progress has been made in the recently concluded negotiations in basic telecommunications and financial services.

9. Improved market access for developing countries' exports to each other's markets has been achieved through regional agreements that have built upon the increase in disciplines and tariff concessions resulting from the Uruguay Round. In many cases, however, the effective incorporation of services into these agreements remains to be achieved. Some developing countries have sought to enhance their access to markets through participation in several such agreements. The large majority of countries are members of at least one regional agreement.

10. The Generalized System of Preferences (GSP) remains a major instrument for further liberalizing market access of developing countries. However, preferential benefits have been further eroded as a result of most-favoured nation (MFN) tariff reductions and liberalization within regional trading arrangements. In addition, certain developing countries benefit from special preferential arrangements such as the Lomé Convention and the Caribbean Basin Initiative (CBI).

11. There remains substantial scope for further multilateral trade liberalization. World Trade Organization members are committed to new negotiations on agriculture and services by the year 2000. A decision would be required to extend these negotiations to other areas such as industrial tariffs, although sectoral initiatives may also originate in other forums. The present report clearly demonstrates that tariffs and other traditional barriers to market access remain an issue in a wide range of sectors, many of which are of particular export interest to developing countries, including the least developed countries.

I. Market access liberalization in the 1990s

A. Market access achieved in the Uruguay Round

12. The trade liberalization agreed to in the Uruguay Round of multilateral trade negotiations is to be implemented in stages. This includes staged reductions for industrial tariffs; a phase-out over 10 years of the quotas imposed under the Multi-Fibre Arrangement (MFA) on textile and clothing exports from developing countries; the reduction of tariffs resulting from the tariffication of various non-tariff measures affecting agricultural trade, as well as of other agricultural tariffs, over six years; and improved market access for a range of service sectors. These measures imply significant changes in the export conditions faced by developing countries.

13. An important feature of the tariff commitments made by developed countries is a substantial rise in bound duty-free treatment. Duty-free treatment will cover almost 40 per cent of imports of the United States of America and 38 per cent of imports of the European Union (EU), and in the case of Japan 71 per cent of imports will be duty-free. The share of developed-country imports of industrial products that are not bound has fallen from 5

to 1 per cent. There has also been a dramatic increase in the coverage of tariff bindings in developing country markets from 13 to 61 per cent of industrial imports. However, as discussed below, certain peak tariffs and tariff escalation remain.

14. The security of access to markets was considerably improved by the negotiation of the multilateral trade agreements (MTAs). The Agreement on Agriculture largely eliminates non-tariff measures (NTMs) in that sector, while the Agreement on Safeguards prohibits voluntary export restraints and other "grey area" measures. Other MTAs have increased disciplines over the use of non-tariff and contingency measures, while the dispute settlement mechanism facilitates action to prevent the resort to protective measures inconsistent with the rules.

B. Multilateral liberalization since Marrakesh

15. World Trade Organization[1] members have been implementing and making use of the Uruguay Round results, recognizing that the credibility of the World Trade Organization rule-based trading system and of any future trade initiatives that it engenders depends very much on faithful implementation. Implementation of liberalization commitments has been generally satisfactory with respect to market access in industrial products, trade in services and the reform programme in agriculture.

16. World Trade Organization members have also undertaken new market access commitments so as to maintain the momentum towards freer multilateral trade. A number of unfinished negotiations in the "built-in agenda" of the Uruguay Round have been completed. The World Trade Organization agreement on basic telecommunications took effect on 5 February 1998 following the successful conclusion of negotiations in February 1997, with 69 countries agreeing to wide-ranging liberalization measures; the World Trade Organization agreement on financial services is expected to enter into force on 1 March 1999 following the successful conclusion of negotiations in December 1997, with 70 countries agreeing to open up their financial services sector encompassing banking, insurance, securities and financial information; and some additional commitments have been received with respect to movement of persons. In addition, the participating World Trade Organization members agreed to resume negotiations on maritime transport services, which were suspended in July 1996, at the time of the next round of comprehensive negotiations on trade in services, mandated to begin in the year 2000. At about the same date, a new round of negotiations to continue the reform process in agriculture is also mandated to commence with a view to further strengthening the liberalization of this sector.

17. World Trade Organization members have, moreover, taken a number of initiatives geared to furthering multilateral trade liberalization beyond what was achieved in the Uruguay Round. Concretely, during the first World Trade Organization Ministerial Conference in Singapore in December 1996, several members agreed to liberalize trade in information technology products. Some three months later, on 26 March 1997, the information technology agreement was approved by 40 World Trade Organization members for implementation, with tariff reductions scheduled to start in July 1997 and to result in the total elimination of all duties on semiconductors, computers, software and telecommunication equipment by the year 2000. The same Ministerial Conference also agreed to explore – and members have proceeded to do so – the interrelationship between trade and investment and between trade and competition policy, as well as to examine transparency in government procurement and trade facilitation. The Second World Trade Organization Ministerial Conference is to take place in Geneva (Switzerland) in May 1998. It should be recalled that the Ministerial Conference is a regular event that takes place at

least once every two years; it is an integral part of efforts to improve the functioning and strengthening of the multilateral trading framework.

C. Liberalization measures by developing countries

18. Developing countries continued their trade policy reforms after the conclusion of the Uruguay Round, including in the context of regional groupings. Many developing countries have reduced their tariffs, liberalized various import and exchange-rate restrictions and reduced the scope of State trading. Major trade liberalization programmes comprising tariff reductions on a broad scale and the progressive removal of quantitative restrictions and licences are in progress in Bangladesh, China, Egypt and India. Moreover, major tariff reduction schemes are, for instance, being implemented by Honduras, India, Indonesia, Kenya, Panama, Malaysia and the Philippines. Several developing countries such as the Republic of Korea participated in the removal of tariffs on information technology products. Furthermore, exchange permits have been abolished by Ethiopia and Bangladesh. Privatization has further progressed in a great number of countries, including Brazil.

19. Moreover, developing countries have removed barriers to trade through their many regional trade agreements (RTAs). The freeing-up of trade by RTAs has been significant in Latin America and the Caribbean and in South-East Asia, and it is picking up in other subregions of Asia, Oceania and Africa, particularly Eastern and Southern Africa. Where RTA liberalization has been substantial, it has been accompanied by significant growth in intra-RTA trade as well as extra-RTA trade. Growth in the latter indicates that the recent RTA liberalization is open and supportive of wider multilateral trade, as it has resulted in trade creation both for RTA members and for third countries. The reduction and elimination of customs duties have been the primary method of RTA trade liberalization. Some RTAs have identified major non-tariff barriers to regional trade and started to eliminate some of them and coordinate and harmonize others, along with other trade policy measures. The market-opening efforts have focused on trade in goods, though some RTAs have started to draft or implement recently adopted programmes for the liberalization of trade in services. At the same time, most RTAs, including those that have advanced the farthest in tangible trade liberalization, have also encountered new challenges which need to be addressed so as to lock in the process of opening up the regional economy and deriving the anticipated benefits.

20. In the African region, major stimulus has been provided by the Common Market for Eastern and Southern Africa (COMESA). The bulk of the 19 members' reciprocal trade had been substantially liberalized by the end of 1997. Six members had reduced the tariffs on goods originating in and traded among them by 80 per cent; another seven had reduced tariffs by 60 or 70 per cent; while a few countries have yet to publish the preferential rates. Full (100 per cent) tariff reduction is scheduled to be attained by October 2000. Agreement has been reached on implementing a common external tariff (CET) by the year 2004, with rates of zero, 5, 15 and 30 per cent on capital goods, raw materials, intermediate goods and final goods, respectively. COMESA trade liberalization is being strengthened by the CBI (Cross-Border Initiative). Participating COMESA countries (Burundi, the Comoros, Kenya, Madagascar, Malawi, Seychelles, Swaziland, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe) accorded 90 per cent tariff preference on origin-qualifying products by October 1997, with 100 per cent preference envisaged for October 1998. CBI is a fast-track option to COMESA liberalization.

21. Most other African RTAs are in the initial stages of designing, redesigning and approving internal trade liberalization programmes. However, some have, for various

reasons, experienced delays and some setbacks in the implementation of agreed tariff reductions. The liberalization of trade within these RTAs has thus been minimal.

22. The Latin America and Caribbean region has of late experienced important advances in RTA trade liberalization. In mid-1993 in Central America, a customs union came into effect for El Salvador, Guatemala, Honduras and Nicaragua. It is based on a CET with a ceiling of 15 per cent applicable to 95 per cent of items subject to tariff, together with a free trade regime for around 1,500 products.

23. In January 1995, the Southern Cone Common Market (MERCOSUR) countries effected a customs union with duty-free intra-trade for most goods and a CET with duty rates ranging from zero to 20 per cent that apply to about 90 per cent of tariff lines. The internal tariff liberalization had involved an initial 47 per cent reduction in each member country in 1991, followed by linear automatic reductions of 7 per cent every six months until zero tariff was attained on 31 December 1994. The few exceptions to free trade will be eliminated by the year 2000 and the exceptions to CET integrated into it by the year 2006. Non-tariff barriers have been identified and a programme negotiated to eliminate some of them and harmonize others covering plant and animal health, technical standards, environmental protection and security. An agreement on trade in services is being negotiated.

24. Also in January 1995, the Treaty of the Group of Three (Colombia, Mexico, Venezuela) took effect with the aim of setting up a free trade area by the year 2005. Colombia and Venezuela have engaged in free trade since end-1991 within the Andean Community; trade with Mexico will be liberalized through a programme of automatic tariff reductions of 10 per cent per annum.

25. In March 1995, the Andean Community formed a customs union with the adoption by three of its members (Colombia, Ecuador, Venezuela) of a CET applying to 95 per cent of items subjected to customs duties and having five tariff brackets with a ceiling of 20 per cent. The other two members (Bolivia and Peru) apply their own national tariffs, and four members (Bolivia, Colombia, Ecuador and Venezuela) have already been engaged in free trade for most of their mutual trade since 1991.

26. By mid-1995, the Caribbean Community (CARICOM) countries had largely eliminated tariffs and non-tariff barriers to reciprocal trade. In addition, a revised CET is applicable in nearly all CARICOM countries, with the level between 5 and 20 per cent for industrial goods and 40 per cent for agricultural products. In 1998, the CET rates are to be further reduced to a maximum of 20 per cent.

27. In 1996 and 1997, more initiatives were taken to consolidate RTA trade liberalization. In June 1996, MERCOSUR countries signed an agreement with Chile to set up a free trade area by the year 2006. A similar agreement was also signed with Bolivia in December 1996. In April 1998, MERCOSUR countries and the Andean Community concluded a framework agreement that aims at the creation of a free trade area.

28. In Asia and Oceania, the Association of Southeast Asian Nations (ASEAN) is the only RTA that has achieved significant progress in terms of scope, coverage and implementation. In January 1992, the ASEAN Free Trade Area (AFTA) took effect, and the implementation of its mechanism, the Common Effective Preferential Tariff (CEPT), started in January 1994. Originally scheduled to be completed by 1 January 2008, the target date for fully fledged free trade was brought forward to 1 January 2003. By then, more than 95 per cent of all tariff lines will be incorporated into the CEPT scheme, and the average CEPT tariff for ASEAN would fall to 2.55 per cent, as compared with about 12.76 per cent in 1993. The Lao People's Democratic Republic and Myanmar, which became members of ASEAN in July 1997, agreed

to implement their CEPT commitments from 1 January 1998 and complete them in 10 years. Progress in the elimination of non-tariff barriers included the removal of all customs surcharges on products in the CEPT scheme by the end of 1996 and the identification of 20 priority product groups for which harmonized technical standards would be developed and adopted by the year 2000.

29. Trade liberalization in other RTAs in Asia and Oceania has been stagnant or limited in terms of margins of preferences, product coverage and membership.

30. Several new regional and cross-regional trade and investment liberalization initiatives are being developed that would provide impetus to the consolidation of existing agreements and revive progress where it has been moribund. Some such initiatives include the anticipated conclusion of the second round of negotiations under the GSTP (Global System of Trade Preferences among Developing Countries); trade liberalization activities of the Summit Level Group of Developing Countries (G-15); and a proposed economic community of Middle East and North African countries and related activities. The last-mentioned concept, along with other initiatives like a regional bank for cooperation and development, was launched at the first Middle East and North Africa Economic Summit in Casablanca in 1994 and sustained by subsequent annual summits in Amman (Jordan) in 1995, Cairo (Egypt) in 1996 and Doha (Qatar) in 1997. The summit has become an annual event, supported by an executive secretariat that has been set up in Rabat (Morocco).

D. Liberalization within "mixed" trade agreements

31. Liberalization has also been taking place within the context of "mixed" trade arrangements between developing and developed countries at cross-regional, regional and bilateral levels. In the Americas, the North American Free Trade Area (NAFTA) , involving Canada, Mexico and the United States, entered into force in January 1994. It entailed the immediate elimination of tariffs on most goods. The remaining goods would have their tariffs gradually reduced over 5-10 years or, for sensitive products, over 15 years. NAFTA also encompasses the liberalization of trade in services, mainly through the mutual provision of national treatment for service providers, although some sectors are temporarily excluded. In addition, Canada and Chile signed a free trade agreement in November 1996 with the aim of facilitating the latter's eventual accession to NAFTA. Furthermore, Canada, the United States and 32 other countries in the hemisphere agreed during a summit meeting in December 1994 to create a free trade area for the Americas (FTAA) by the year 2005. Preparatory negotiations among the 34 countries culminated in the official launching of the negotiations by the second summit meeting in Santiago (Chile) in April 1998.

32. EU, in addition to the consolidation of its internal integration, is engaged on several fronts in the construction of free trade agreements with individual countries and groups of countries. Under its Europe Agreements, EU is progressively establishing free trade with certain countries in Central and Eastern Europe so that, *inter alia*, all quota restrictions applied to these countries will have disappeared at the end of 1998. Similar agreements are being applied with respect to the Baltic States (Estonia, Latvia, Lithuania) and Cyprus. Under the Euro-Mediterranean association initiative, EU proposes to progressively achieve free trade with individual Middle East and North African countries of the Mediterranean basin. EU already has an agreement with MERCOSUR on closer cooperation, including the possibility of mutual free trade. Furthermore, negotiations are currently under way for a South Africa-EU free trade area. Also, the preparatory process leading to the negotiation between EU and the African, Caribbean and Pacific Group of States (ACP Group) of a successor to the Fourth Lomé Convention has entertained proposals that include the

formation of free trade areas. The idea of a transatlantic free trade agreement between EU and the United States has also been advanced, though it is still in its infancy.

33. The Asia Pacific Economic Cooperation (APEC) process started in 1989 and has made considerable progress towards its objective of voluntarily removing barriers to trade in goods and services and investment among economies of the Pacific basin, which also contributes to strengthening multilateral liberalization. In 1994, APEC members agreed to attain this objective by the year 2010 for developed economies and 2020 for developing economies. APEC members have since been working on various instruments to liberalize trade and investment, including via individual action plans, joint action plans and early voluntary sectoral liberalization in selected sectors agreed jointly.

34. Likewise, a process of trade and investment liberalization may be developed by the newly created (March 1996) Indian Ocean Rim Association for Regional Cooperation. It involves 14 countries on three continents, namely Australia, India, Indonesia, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Oman, Singapore, South Africa, Sri Lanka, the United Republic of Tanzania and Yemen.

II. Post-Uruguay Round tariffs on developing country exports

A. Tariff liberalization

35. In the Uruguay Round, many developing and other countries bound their MFN rates at higher levels than applied tariffs, and bound rates thus often do not reflect actual trading conditions. Likewise, the large majority of developing countries make use of GSP for access to developed-country markets.[2] For the present discussion, the lower of the bound post-Uruguay Round (UR) rate and the applied rate (1997) was selected, except where the access conditions facing developing countries are examined, in which case the lowest of the post-UR MFN rate, the applied rate and the GSP rate (1997-1999) was chosen.

36. Post-UR MFN tariffs of the countries of the Quadrilateral Group of Industrialized Economies, or Quad Group (Canada, EU, Japan and the United States), will range between 3.7 per cent in the United States and 7.1 per cent in Canada when the negotiated reductions are fully phased in (see table 1). These averages conceal wide disparities between individual products and industries. Tariffs will no longer be applied to one third of the tariff universe by the Quad countries. Half of these duty-free products comprise machinery, electrical equipment, vehicles, metal products, chemicals and so on. The other half include mainly fuels, minerals, wood, other basic commodities and intermediate inputs required by industry, as well as certain tropical and fishery products of substantial export interest to a wide range of developing countries.

37. On the other hand, a number of MFN tariffs remain at high levels. Some 14 per cent of all MFN rates in the Quad countries (or 5,000 out of some 36,000 tariff lines in all four tariff schedules) exceed 12 per cent. These nominal rates can imply effective protection rates of up to 40 per cent of domestic value added. In particular, agricultural tariffs are a multiple of the overall tariff averages (see table 1). Many high agricultural tariffs resulted principally from tariffication, whereby tariffs replaced quantitative restrictions, levies and other non-tariff measures. Whereas industrial tariffs (excluding petroleum and mineral products) are, on average, much lower than those in agriculture, high duties apply to imports of textiles, clothing, footwear and leather goods.

Table 1
Average post-Uruguay Round MFN tariffs for selected countries
(Percentage)

	United States	*EU*	*Japan*	*Canada*	*Republic of Korea*	*Malaysia*	*China*	*Brazil*
Average MFN rate: all products	3.7	5.3	4.3	7.1	7.9	8.8	23.7	12.3
Agriculture	4.9	14.5	16.1	12.4	18.1	9.4	37.4	10.3
Industry	3.7	4.0	0.8	4.5	6.4	9.0	22.1	13.0
Share of 0 duties	33	26	67	51	9	55	2	7
Share of MFN tariff peaks	10	18	10	10	8	31	72	60

38. Tariffs in Brazil, the Republic of Korea and Malaysia average between 8 and 12 per cent. China's applied rates averaged 24 per cent in 1997; its tariffs will be reduced and quantitative restrictions will be progressively removed in the context of its negotiation of accession into the World Trade Organization. When UR commitments have been phased in, imports will be free of duty for half of Malaysian imports and for 7-9 per cent of all products in Brazil and the Republic of Korea.

39. Following the conclusion of the Uruguay Round, developed countries revised their GSP schemes. Major common features were a substantial extension of product coverage for all GSP recipients, as well as additional improvements in favour of the least developed countries. Furthermore, some countries changed important provisions of their GSP schemes. Thus, EU replaced GSP ceilings for sensitive products by graduated tariff margins, which resulted in many cases in significant increases in GSP tariffs. In certain markets, many agricultural and food industry products and textiles and clothing are excluded from the GSP or subject to ceilings. Some advanced developing countries have been graduated from the GSP schemes of the United States and EU, and others have been suspended for reasons of labour standards and so on. An increasing number of products exported by particular countries are excluded, as they are deemed to be competitive. GSP benefits have been gradually eroded as a result of consecutive rounds of multilateral trade negotiations, and they have been further reduced following the expansion of preferential trading arrangements among major trading partners.

40. Nonetheless, the GSP remains a valuable tool for promoting developing-country exports. When the GSP is taken into account, average tariffs amount to 2.4 per cent in the United States, 3 per cent in Japan, 4 per cent in EU and 5 per cent in Canada. As compared with MFN rates, the frequency of zero duties rises by one half in Canada and two thirds in EU and Japan, and doubles in the United States. Duty-free imports account for about half of all products in EU and Canada and for two thirds in Japan and the United States.

B. Tariff peaks[3]

41. Low average duties resulting from the Uruguay Round and GSP revisions have led to a widespread belief that tariffs are no longer a problem for trade of developing countries. However, the analysis here shows that problems of high tariffs are still prevalent in certain sectors. Even after all concessions are fully implemented, frequent tariff peaks and significant tariff escalation will continue to provide high import protection and affect crucial exports of developing countries. This protection is reinforced by numerous quantitative

restrictions which continue, several years after the conclusion of the Uruguay Round, to constrain textiles and clothing exports to major developed countries.

42. Both frequency and levels of tariff peak rates remain a matter of concern. Over 10 per cent of the tariff universe of the Quad countries, corresponding to an aggregate 4,000 tariff lines, will continue to exceed 12 per cent *ad valorem* (table 2). All four countries maintain high variance in tariff rates. One fifth of the peak tariffs of the United States, one quarter of those of EU and Japan, and about one tenth of those of Canada exceed 30 per cent. In the four developing countries selected, tariff peaks are more frequent but reach less extreme rates than in the major developed countries.

43. In respect of the main sectors, peak tariffs affect both agricultural and industrial products significantly. Agricultural peaks are important in all developed countries, the Republic of Korea and China. Their proportion is relatively low in Brazil and Malaysia. Industrial peaks are most frequent in the United States and Canada, where they concern 10 per cent and 7 per cent of the sector respectively, and occur more generally in the aforementioned developing countries except for the Republic of Korea. In Japan, industrial peak tariffs remain concentrated in the leather and shoes sector. Tariffs approach but rarely exceed 12 per cent for EU industries, once the GSP is taken into account.

Table 2

Frequency of post-UR tariff peaks (applied rates above 12 per cent) by product group

(Percentage of tariff lines within each sector)

Product group	*United States*	*EU*	*Japan*	*Canada*	*Republic of Korea*	*Malaysia*	*China*	*Brazil*
MFN PEAKS, ALL PRODUCTS	10	18	12	15	8	31	72	60
PEAKS: MFN AND GSP RATES: ALL	9	12	10	11	a	a	a	a
AGRICULTURE	19	48	42	15	52	23	37	29
Meat	8	62	41	14	58	0	86	8
Fish, crustaceans	0	37	3	0	65	24	85	0
Dairy products	55	84	87	70	93	0	94	84
Fruit, vegetables	12	34	19	8	98	21	99	0
Cereals, flour	0	72	61	26	6	0	78	14
Vegetable oils	6	10	13	9	33	6	73	4
Canned meat, fish	4	56	32	14	100	51	100	100
Sugar, cocoa products	29	79	73	12	2	34	100	94
Canned fruit, vegetables	17	80	63	24	99	49	100	100
Other food industry	33	59	81	18	10	45	100	97
Beverages and tobacco	18	37	48	16	86	78	97	93
OTHER AGRICULTURE	1	14	5	2	14	3	65	2
INDUSTRY	7	1	2	10	0	32	72	65
Leather and leather products	12	0	22	4	0	28	93	33
Textiles	21	1	1	45	0	65	95	89
Clothing	44	0	0	93	0	96	100	100
Footwear	42	0	71	67	0	83	100	100
Glass products and so on	10	0	0	5	0	61	94	53
Vehicles	4	8	0	1	0	66	86	98

[a] Not applicable as the countries concerned do not grant GSP.

44. The problem of peak tariffs arises mainly in the following sectors:

(a) Major agricultural food and commodities: Agricultural staple foods are subject to the highest frequencies of tariff peaks: in EU, they affect between roughly 40 and 85 per cent of all meat, fish, cereal and dairy products and in Japan between 40 and 90 per cent (see table 2). Tariffication has resulted in extremely high rates which reach, for example, above 200 per cent for bovine meat in EU and for chicken meat in Canada, as well as for certain cheese imports (table 3). Rice tariffs attain 70 per cent in EU and up to 550 per cent in Japan, while sugar tariffs range from 40 to 100 per cent in all Quad Group countries. United States cotton duties of about 80 per cent can be complemented by additional duties in case of low import prices. The tariff quotas established for such products are often subject to peak duties and additional specifications or advantage traditional suppliers. In addition to high tariff protection, developing-country exports are subject to strict sanitary or phytosanitary standards. Such measures particularly affect fish, meat, groundnut products, cereals, tomatoes and other fruit and vegetables originating from certain countries or country groups;

(b) Fruit, vegetables, fish: Some tariff peaks in these sectors are among the highest in the major importing markets; for example, they attain 180 per cent for bananas above quotas in EU and 115 per cent in Malaysia; 460 per cent for dried beans and 640 per cent for dried peas in Japan; and 550 per cent and 132 per cent for shelled groundnuts in Japan and the United States respectively. Peak tariffs between 12 and 30 per cent are frequent for oranges, pineapples, apples and tomatoes, as well as for tuna and sardines;

(c) Food industry: Such exports frequently confront high tariffs in most of their major markets. This is particularly critical, as the food industry sector is also commonly considered to provide a major potential for export diversification in developing countries. Tariff peaks extend beyond the first processing stages to the industry as a whole and affect a large variety of products. They encompass about one fifth of all canned food, sugar and other food industry products in Canada and the United States, about one half in Malaysia and the Republic of Korea, about three quarters in EU and Japan, and virtually all food industry products in Brazil and China. Many peak rates lie at about 30 per cent for fruit juices, prepared fruit, canned meat and sugar confectionery, among other products. Particularly high rates affect, for example, sweetened cocoa powder in the United States (about 50 per cent); peanut butter and roasted groundnuts in the United States (130 per cent); orange, pineapple and grape juices in EU (46-215 per cent) and China (55 per cent); and coffee and tea extracts in Japan (130 and 180 per cent), the United States (27 and 90 per cent) and China (90 per cent). Certain beverages and tobacco products are also subject to high duties, such as cigarettes in EU (60 per cent) and smoking and other tobacco in the United States (310-350 per cent). High fiscal duties apply more generally to alcoholic beverages and tobacco in Malaysia (95-350 per cent) and China (45-70 per cent);

(d) Textiles and clothing: The industries of the United States, EU and Canada will continue to enjoy a double protection from high tariffs and stringent quantitative restrictions on imports from developing countries for some time to come. Even when all quota restrictions are removed in the year 2005, these industries will continue to benefit from high tariff protection. EU's GSP rates for clothing amount generally to 11.9 per cent. The United States excludes most textiles and clothing products from its GSP scheme, and its MFN tariffs range between 14 and 32 per cent for most synthetic, woolen and cotton clothing. Canada applies MFN rates of about 18 per cent (see table 4). Japan's GSP rates range between 6 and 11 per cent. Clothing tariffs are generally at the level of 8 per cent in the Republic of Korea and 20 per cent in Brazil and Malaysia; these countries do not apply MFA quotas. China's tariffs range between 35 and 45 per cent;

Table 3

Tariff peak products; post-UR tariffs on exports from developing countries (agricultural products)

(Percentage: post-Uruguay Round MFN rate above tariff quotas; or applied MFN rate (1997/98); or general GSP rate, whichever is lowest)

Product description	EU	Japan	United States	Canada	Brazil	China	Republic of Korea	Malaysia
Bovine meat, chilled	86	46	26	26	10	50	40	0
Bovine meat, frozen (boneless)	215	46	26	26	12	50	30	0
Pork, frozen	38	66	0	0	10	45	25	0
Chicken meat, whole, frozen	32	12	2	238	10	45	20	0
Tunas, frozen	22	4	0	0	10	30	10	0
Sardines, frozen	23	4	1	0	10	30	10	0
Milk (>3 per cent fat)	113	280	66	241	14	30	36	0
Milk in powder, without sugar	66	80	55	243	16	30	40	0
Milk in powder, with sugar	54	85	179	243	16	30	40	0
Yogurt	69	370	63	238	16	65	36	10
Butter	68	105	70	300	16	65	40	5
Cheese	120	30	133	246	16	65	36	10
Tomatoes, fresh or chilled	14	3	8	13	10	22	45	0
Cucumbers, fresh or chilled	16	3	13	13	10	22	27	0
Mushrooms	13	4	24	9	10	22	30	0
Olives, green	24	3	19	0	10	22	30	0
Olives, preserved	16	9	12	0	10	22	27	10
Peas, dried	0	640	1	0	10	15	27	0
Beans, dried	0	460	0	0	10	6	30	0
Manioc, dried	75	15	0	0	10	20	20	5
Bananas, fresh	180	23	0	0	10	30	30	115
Pineapples, fresh	6	17	3	0	10	25	30	97
Oranges, fresh	16	32	4	0	10	52	50	10
Grapefruit, fresh	2	10	24	0	10	40	30	10
Grapes, fresh	18	12	1	1	10	55	45	10

Product description	EU	Japan	United States	Canada	Brazil	China	Republic of Korea	Malaysia
Apples, fresh	11	17	0	0	10	40	45	10
Green tea	3	17	0	0	10	70	40	25
Wheat	65	39	2	77	10	114	5	0
Maize	84	60	2	1	8	114	5	0
Rice, milled	71	550	0	1	10	40	5	0
Wheat flour	44	40	2	33	12	91	4	0
Maize flour	29	21	2	6	10	91	5	0
Wheat, groats and meal	74	25	1	50	10	91	5	0
Maize, groats and meal	24	21	0	3	10	91	5	0
Malt of wheat	52	42	1	25	14	35	30	0
Wheat starch	32	75	0	25	10	35	8	0
Groundnuts, shelled	0	550	132	0	10	20	40	5
Soya bean oil, refined	10	13	19	10	10	122	5	5
Olive oil, refined	60	0	0	0	10	20	8	0
Margarine	31	21	10	56	12	55	8	4
Sausages	25	10	0	1	16	45	18	15
Pork hams, prepared	30	110	0	10	16	45	30	10
Beef meat, prepared	26	21	0	11	16	45	30	0
Canned herrings	20	7	0	5	16	45	20	5
Canned sardines	13	7	20	1	16	45	20	5
Canned tunas	24	10	35	9	16	45	20	5
Cane sugar, raw	73	100	43	70	16	30	5	0
White sugar	71	50	41	70	16	30	8	0
Cane molasses	5	95	0	13	16	35	3	0
Chewing gum	18	24	0	8	20	15	8	15
Sugar confectionery	21	25	33	8	20	15	8	15
Cocoa powder with sugar	22	30	52	5	18	15	8	15
Chocolates, not filled	21	30	39	5	20	15	8	15
Pasta, uncooked, without eggs	30	22	0	7	16	40	8	15
Tapioca	34	10	0	0	16	40	8	5

Product description	EU	Japan	United States	Canada	Brazil	China	Republic of Korea	Malaysia
Sweet biscuits, waffles etc.	26	15	0	4	18	40	8	15
Cucumbers, preserved	18	12	0	8	14	45	30	20
Tomatoes, preserved	14	13	13	12	14	45	45	20
Mushrooms, preserved	27	14	11	17	14	45	30	20
Beans, shelled, preserved	18	17	0	8	14	45	20	20
Fruit and nuts, preserved by sugar	33	13	16	10	14	65	30	0
Fruit jams, marmalades, purées	39	34	10	9	14	45	30	0
Peanut butter	13	12	132	0	14	50	50	5
Groundnuts, roasted	11	21	132	0	14	45	50	5
Pineapples, prepared or preserved	25	110	1	0	14	45	45	58
Citrus fruit, prepared or preserved	21	30	14	0	14	45	45	20
Fruit mixtures, prepared or preserved	19	6	15	6	14	45	45	20
Orange juice	52	30	31	2	14	55	50	20
Grapefruit juice	44	30	19	0	14	55	30	20
Pineapple juice	46	30	12	0	14	55	50	20
Tomato juice	17	30	0	13	14	55	30	20
Grape juice	215	30	14	10	14	55	45	20
Apple juice	63	34	0	9	14	55	45	20
Coffee preparations and extracts	9	130	27	0	16	90	8	5
Tea preparations, essences and extracts	6	180	91	0	16	90	40	20
Tomato ketchup	10	21	6	13	18	35	8	15
Other spirits, <80 per cent by volume	46	27	0	1	20	70	30	95
Tobacco, stemmed, stripped	5	0	350	0	14	45	20	350
Cigarettes	58	0	10	13	20	70	40	165
Smoking tobacco	75	30	310	5	20	70	40	150

(e) Footwear, leather and leather goods: Developing countries continue to face extremely high tariff barriers. In the absence of the GSP, MFN tariffs reach 38-58 per cent for certain sports, rubber, plastic and textile shoes in the United States, and 16-20 per cent for all footwear in Canada. EU tariffs on footwear are generally at 11.9 per cent for GSP imports and 17 per cent for shoe imports from the major suppliers excluded from the GSP. Japanese tariffs reach 30 per cent for leather; its tariff for leather shoes is equivalent to 160 per cent for a pair priced at $25; GSP access within a stringent ceiling is rapidly exhausted. Apart from the Republic of Korea (generally 8 per cent), the developing countries maintain high duties on footwear and leather products as well (generally 20 per cent in Brazil, 30 per cent in Malaysia and 40-60 per cent in China);

(f) Automobiles, other transport equipment, electronics: Relatively high MFN peak tariffs are applied to major exporters of certain technologically advanced products. Most developing countries apply high tariffs for cars which rise above 100 per cent. EU, the United States and Canada protect such products as trucks, buses and ships with MFN rates of between 16 and 25 per cent. MFN tariffs are frequently also high on television receivers and tubes, video recorders and watches. The major developing-country exporters are frequently excluded from the GSP.

C. Market access for least developed countries

45. The most important result of the Uruguay Round for least developed countries has consisted in duty-free MFN treatment for many tropical products. Furthermore, the revised GSP schemes involve substantial additional advantages for least developed countries. The latter now obtain duty-free access to Quad Group countries for those products that are covered by their respective GSP schemes, and since the GSP revisions, this applies to a much larger product range. Thus, Canada extended duty-free access under its GSP scheme to about 200 new products. In 1997, the United States extended duty-free access to about 1,800 new products for least developed countries. These products encompass several industrial and agricultural items, including imports within tariff quotas, and often provide substantial price advantages in favour of least developed countries. Japan had already exempted virtually all industrial imports from least developed countries from tariffs and GSP ceilings. EU improved preferential market access for many sensitive products under the Lomé Convention in favour of members of the ACP Group, which includes 39 least developed countries. In March 1998, EU extended most of these Lomé preferences to the other least developed countries.[4]

46. However, this does not mean that market access problems for least developed countries have disappeared. In spite of special GSP treatment, a considerable number of significant tariffs, including high peak tariffs, will continue to apply to some of their most important export products in all major markets. Major lacunae in the liberalization of least developed country imports include generally high tariffs on many sensitive agricultural products, agricultural imports above tariff quotas and several food industry products; GSP exclusions and peak MFN duties on most textiles, clothing, leather products and shoes in Canada and the United States; and the exclusion of certain least developed countries from general, special or GSP benefits by some countries (for example, the special United States provisions for least developed countries apply only to 34 of the 48 least developed countries), as well as continued application by Canada and the United States of MFA quotas on clothing and textile imports from several Asian least developed countries.[5]

Table 4
Tariff peak products; post-UR tariffs on exports from developing countries (industrial products)
(Percentage)

Product description	EU	Japan[a]	United States	Canada	Brazil	China	Republic of Korea	Malaysia
Bovine skin leather, tanned	5	30	0	5	10	15	5	0
Sheep- and lambskin leather, prepared	2	30	2	7	10	25	5	0
Suitcases, briefcases of leather	1	16	8	11	20	45	8	25
Suitcases of plastics or textiles	4	16	20	11	20	45	8	25
Small pocket leather goods	1	16	20	7	20	45	8	25
Leather gloves	7	14	14	16	20	45	8	25
Woven fabrics of >80 per cent combed wool	12	8	25	14	18	35	8	0
Cotton, raw	0	0	79	0	3	3	8	0
Carpets, knotted, of wool or fine animal hair	6	8	0	13	20	40	8	30
Babies' garments, knitted or crocheted, of synthetic fibres	11	11	16	18	20	40	8	20
Women's blouses, knitted or crocheted, of man-made fibres	11	11	32	18	20	45	8	20
T-shirts, knitted or crocheted, of cotton	11	11	17	18	20	35	8	20
T-shirts, knitted or crocheted, of synthetic fibres	11	11	32	18	20	40	8	20
Pullovers, knitted or crocheted, of man-made fibres	11	11	32	18	20	40	8	20
Men's coats, woven, of wool or fine animal hair	11	13	17	18	20	45	8	20
Men's trousers, woven, of wool or fine animal hair	11	6	17	18	20	45	8	20
Men's trousers, woven, of cotton	11	6	17	17	20	40	8	20

Product description	EU	Japan*	United States	Canada	Brazil	China	Republic of Korea	Malaysia
Men's trousers, woven, of synthetic fibres	11	6	28	18	20	45	8	20
Women's dresses, woven of wool or fine animal hair	22	10	14	18	20	45	8	20
Women's trousers, woven, of synthetic fibres	11	10	29	18	20	45	8	20
Men's shirts, woven, of cotton	11	7	20	17	20	40	8	20
Men's shirts, woven, of man-made fibres	11	7	28	18	20	45	8	20
Women's blouses, woven, of man-made fibres	11	10	27	18	20	45	8	20
Babies' garments, woven, of synthetic fibres	9	10	29	18	20	40	8	20
Ties, bow ties and cravats, woven, of man-made fibres	11	0	14	18	20	40	8	25
Bed linen, printed, of man-made fibres	11	5	15	18	20	40	8	30
Waterproof footwear	13	27	38	20	20	50	8	30
Footwear with outer soles and uppers of rubber/plastic	13	10	56	18	20	50	8	30
Footwear with leather uppers	6	160	10	18	20	60	8	30
Sports footwear (with textile uppers)	13	8	58	16	20	50	8	25
Parts of footwear, uppers and parts thereof	3	25	42	8	18	40	8	25
Ceramic tableware, kitchenware, and so on (excluding china)	9	0	28	0	20	55	8	30
Drinking glasses of glass	8	0	29	0	18	50	8	25
Glassware for kitchen, toilets etc.	8	0	38	0	18	50	8	25
Television picture tubes, colour	10	0	15	6	18	20	8	0
Cars, capacity <2,500 cubic centimetres	7	0	3	6	20	100	10	140

Product description	EU	Japan[a]	United States	Canada	Brazil	China	Republic of Korea	Malaysia
Diesel trucks	15	0	25	6	20	50	10	30
Bicycles	11	0	11	9	20	50	8	25
Watch movements	2	0	33	5	18	50	8	0

[a] GSP rates exist at half the MFN rate for most of these products, but are limited by tariff quotas.

47. In summary, industrial imports from least developed countries are almost fully liberalized in EU and Japan. In the United States, a substantially larger number of least developed country products now enjoy duty-free treatment, but their major and often only industrial exports – that is to say, textiles, clothing, footwear and leather products – remain excluded from GSP and special least developed country provisions and hence are subject to MFN tariffs of up to 30 per cent. United States imports from African and Pacific least developed countries are free of MFA quotas on textiles and clothing, but such quotas still apply to most Asian least developed countries. Canada continues to apply MFN duties of up to 18-20 per cent to most finished textiles, clothing and footwear imports from least developed countries, as well as MFA quota restrictions on imports from several Asian least developed countries.

48. In the agricultural sector, numerous peak tariffs remain applicable to least developed countries in all major markets. The GSP scheme of the United States provides duty-free access for many agricultural exports from designated least developed countries, including imports within tariff quotas, whereas many tariffs on exports above quotas reach peak levels. Canadian imports of agricultural products within quotas from least developed countries are duty-free. Japan grants duty-free treatment to least developed countries for a wide range of agricultural and food industry products, but least developed countries continue to face MFN peak rates for, *inter alia*, beef, meat products, sugar, sugar products, and various fruits and fruit juices.

49. EU applies extensive preferences to agricultural imports from ACP countries but, even after their improvement, many peak rates remain in effect for major food products, in particular for imports beyond tariff quotas and ceilings: for example, bovine, sheep and goat meat; meat products; major cereals, such as rice and wheat; and several fruit, vegetable and food industry products. Furthermore, ACP preferences are limited to a 16 per cent reduction of the MFN rate for sugar and its products (leaving the ACP rate at about 60 per cent), various canned meat products and dairy products. Imports from Asian least developed countries will not benefit from ACP preferences for products subject to quotas.

50. The First World Trade Organization Ministerial Conference in December 1996 adopted a Plan of Action for the Least Developed Countries.[6] In that Plan, developed countries and developing countries on an autonomous basis agreed to explore the possibilities of granting preferential duty-free access for the exports of least developed countries. Subsequently, at the High-level Meeting on Integrated Initiatives for Least Developed Countries' Trade Development, in October 1997, the following developing countries declared their intention to introduce preferential or duty-free entry for a range of industrial and selected agricultural products originating from least developed countries within GSP schemes for least developed countries, the GSTP or a regional framework: Egypt, the Republic of Korea, Malaysia, Singapore, Thailand and Turkey. Chile and Indonesia are examining the possibility of

introducing similar least developed country schemes. Morocco will introduce duty-free treatment for imports of selected products from African least developed countries. India and South Africa laid their emphasis on special tariff concessions in favour of least developed countries within their respective subregional groupings.

51. Turkey put into effect additional preferential market access measures in favour of all least developed countries on 1 January 1998 for 250 products. Unilateral tariff preferences apply to raw coffee. Duty-free entry applies, *inter alia*, to a number of chemicals; mohairs, silk, noil silk and hemp yarns; various mineral products; certain ferro-alloys; sewing machines and television tubes. Other developing countries will communicate at a later stage further detailed information on their schemes, including country and product coverage and the depth of tariff cuts. Further preferential liberalization of access to major neighbouring and other developing-country markets is taking place in favour of least developed country members within specific integration and preferential arrangements, such as GSTP, ASEAN, the South Asian Association for Regional Cooperation (SAARC), COMESA and the Central African Customs and Economic Union (UDEAC).

52. Full implementation of the Plan of Action for the Least Developed Countries requires further progress towards duty-free imports by all countries. This would imply liberalization of those products that can actually be exported by least developed countries, including their main food and food industry exports, clothing, textile and leather products and footwear. Most least developed countries export such products only, and their export capacities are limited even in these sectors. It is interesting to note here that instead of excluding imports of sensitive products from the GSP altogether, some preference-giving countries have applied a safeguard clause, permitting remedial action in specific cases as and when problems arise. Least developed countries also have great difficulty in meeting health and phytosanitary import requirements.

53. The document entitled "Partnership for Growth and Development", adopted by the United Nations Conference on Trade and Development at its ninth session,[7] and the Trade and Development Board of UNCTAD have laid particular emphasis on the need for least developed countries to strengthen and diversify their export supply capacity in order to make use of the market opportunities opening up for their products and provide a favourable climate for investment. In order to accompany least developed countries' own reforms by enhanced international support, UNCTAD, the World Trade Organization, the International Trade Centre (ITC), the United Nations Development Programme (UNDP), the World Bank and the International Monetary Fund (IMF) are cooperating within the Integrated Framework for Trade-related Technical Assistance, including for Human and Institutional Capacity-Building, to Support Least Developed Countries in their Trade and Trade-related Activities. UNCTAD, the World Trade Organization and ITC are also combining their forces in a joint integrated technical assistance programme for selected African countries, the first phase of which includes four least developed countries.

D. Tariff escalation

54. Tariff escalation decreased, but nevertheless continued, after the Uruguay Round. Rapidly rising tariffs, from low rates for raw materials to higher rates for intermediate products and sometimes peak rates for finished industrial products, continue to hamper vertical diversification and industrialization in developing countries. A recent World Trade Organization study[8] on nominal tariff escalation in the Quad countries (Brazil, India, Indonesia, Malaysia, Poland and Hungary) confirms that escalation has continued after the Uruguay Round in such sectors as metals, textiles and clothing, leather and rubber products

and, to some extent, wood products and furniture. The study notes that the nominal rates imply a high effective rate of protection in these industries, as the share of material used for their production is relatively high as compared with their value added. As the markets studied are very large, a decline in tariffs for the processed products would imply a significant increase in market access for exporting countries.

55. A recent Food and Agriculture Organization of the United Nations (FAO) study[9] on the impact of the Uruguay Round on tariff escalation in agricultural products in EU, the United States and Japan found that, as a result of the Round, nominal tariff escalation between agricultural raw materials and their processed products decreased in a number of cases. This should create some opportunities for developing countries to diversify their exports into higher-value processed products. However, for more than half of the commodities selected, tariff escalation will retain an important dimension; in nominal terms, tariff wedges between raw and processed products will reach, on average, 17 per cent as compared with 23 per cent before the Round in nominal terms (9 per cent in the United States, 16 per cent in EU and 27 per cent in Japan). The effects of tariff escalation are reflected in trade. Though food processing is a major export industry for developing countries, their exports are largely concentrated in the first stage of processing. More advanced food industry exports make up only 5 per cent of the agricultural exports of least developed countries and one sixth of those of developing countries as a whole, as compared with one third for developed countries. FAO concludes that tariff escalation constitutes a major constraint on vertical diversification of certain agricultural exports.[10]

56. Estimates of effective protection in industry by the UNCTAD secretariat confirm persistent and high tariff escalation in terms of effective protection for specifio clothing and footwear products. However, tariff escalation is no longer as systematic as in the past and it often concentrates on the first stage of industry and finished products. In the case of leather shoes, the effective rate of protection (ERP) doubles in the United States and Canada between leather and shoe production (rising from 7 to 12 per cent and from 15 to 32 per cent, respectively). The ERP rises even more steeply in Malaysia, from 16 to 44 per cent; and particularly in Japan for imports above tariff quotas, the ERP increases from 66 per cent for leather to 260 per cent for leather shoes. Leather and shoe industries in the Republic of Korea obtain the same protection of 15 per cent. EU protects its leather industry more than its shoe production (at a rate of 14 per cent compared with 9 per cent).

57. A similar situation prevails for major clothing products. Effective protection remains high for the spinning and sewing stages. Spinning is protected at rates of 14 per cent in EU, 25 per cent and 28 per cent in the United States and Canada, respectively, 40 per cent in the Republic of Korea and almost 70 per cent in Malaysia. ERPs for the intermediate weaving stage range in the main between 13 and 15 per cent, but rise steeply for apparel production: for example, for shirts the rates reach 35 per cent in the United States, 20 per cent in the Republic of Korea and 58 per cent in Malaysia. In fact, effective protection of clothing industries of developed countries is much higher still, given that imports from developing countries remain subject to stringent MFA quotas. These results confirm that FAO's conclusions for food industries are also valid for other major export industries of developing countries.

III. Sectors affected by the imposition of trade measures

58. Globalization and liberalization are modifying the impact of trade measures. With the entry into force on 1 January 1995 of the Agreement Establishing the World Trade

Organization, some trade measures are losing their importance as trade barriers and as instruments of trade policy. The Agreement on Agriculture and the Agreement on Safeguards, for example, made it virtually impossible to resort to quantitative restrictions and voluntary export restraints. On the other hand, increased market access and consequent market penetration have prompted domestic industries to seek other measures designed to protect domestic production, notably "contingent protection measures", in particular anti-dumping duties. In addition, exporters are discovering that market access may be affected by other measures, and some such measures are being challenged in the framework of the dispute settlement mechanism. An examination of the sectors subject to attention under these mechanisms can identify potential problem sectors where existing conditions of market access are being challenged.

59. The strengthening of the General Agreement on Tariffs and Trade (GATT) dispute settlement mechanism is one of the major achievements of the Uruguay Round. Since the World Trade Organization Agreements entered into force on 1 January 1995, the number of disputes referred to the new dispute settlement mechanism has increased dramatically compared with the situation under the former GATT. As of 23 April 1998, the World Trade Organization Dispute Settlement Body had received 122 requests for consultations, involving 87 separate matters. In 11 cases, both the Panel Reports and the Reports of the Appellate Body have been adopted. In one case, the Panel Report has been issued. Among these cases, 84 consultation requests concerning 60 matters were made by developed-country members; 27 consultation requests concerning 23 matters were made by developing-country members; and 10 requests on 4 matters were made by both developed- and developing-country members. The major goods sectors involved in these dispute settlement proceedings include agricultural products, meat/fishery/dairy products, textiles and clothing, machinery and electrical equipment, and automobiles and aircraft. The main substantive issues involved are related to the interpretation of GATT provisions and World Trade Organization MTAs on national treatment, anti-dumping duties, countervailing duties, transparency, elimination of quantitative restrictions, non-discrimination, technical barriers to trade, sanitary and phytosanitary measures, trade-related investment measures, government procurement, and so on.

60. With the reduction in tariffs and other measures at the frontier, the application of "contingent protection measures", namely safeguards, anti-dumping duties and countervailing duties, have in certain cases become more significant in relative terms.

A. Safeguard measures

61. During the period between 1987 and 1994, 18 safeguard measures were introduced by the GATT contracting parties. The prohibition of "grey area" measures, notably voluntary export restrictions in the Agreement on Safeguards, was an important achievement in the Uruguay Round in that it increased the security of market access and restored credibility to the multilateral rules. Since the creation of the World Trade Organization, only a small number of safeguard measures have been introduced by the World Trade Organization members under the provisions of the Agreement on Safeguards. These measures include the increase of tariffs by the United States on imports of corn brooms,[11] by Brazil on imports of toys[12] and by Argentina on footwear.[13] The measure imposed by the Republic of Korea against imports of dairy products was in the form of quantitative restrictions.[14] All these measures were applied on an MFN basis.

B. Anti-dumping measures

62. According to the information notified to the GATT/World Trade Organization Anti-Dumping Committee by GATT/World Trade Organization members, 2,329 anti-dumping cases were initiated during the period 1987-1997. Among these cases, more than 1,930, or 83 per cent of the total, were initiated by the 10 major users (the United States, Australia, EU, Mexico, Canada, Argentina, Brazil, South Africa, New Zealand and India).

63. Sectors that have been the main targets for anti-dumping actions are metals and metal products, chemical products, machinery and electrical equipment, plastics and plastic products, textiles and clothing, pulp of wood or of other fibrous cellulosic material, prepared foodstuffs and beverages, stone and plaster products, other manufactured products, footwear and headwear. Market access can be frustrated simply by the initiation of anti-dumping actions, even if the duties are never imposed, as importers seek alternative suppliers. Of the 2,329 cases initiated, 1,021 (or 44 per cent) have reached final determination. The ratios for the key targeted sectors, as shown in figure I, ranged from 37 per cent for textiles and clothing to 53 per cent for metals and metal products, and for prepared foodstuffs.

64. The domestic trade liberalization undertaken by developing countries has led them to introduce anti-dumping legislation and to make frequent use of it. By the end of 1997, almost 50 developing and transition economy countries had notified anti-dumping laws or regulations to the World Trade Organization.[15] Also, during the period 1993-1996, developing countries initiated more anti-dumping investigations than did developed countries.

C. Countervailing measures

65. Over the period 1987-1997, 258 countervailing duty actions were initiated. Among these cases, more than 227, or 87 per cent of the total, were initiated by the seven major users (United States, Australia, Brazil, Canada, Mexico, Chile and New Zealand). As shown in figure II, the main sectors affected by countervailing duty actions are agricultural products, metal and metal products, meat and fishery, prepared food stuffs, textiles and clothing, chemical products, construction materials, machinery and electrical equipment.

D. Textiles and clothing

66. A major achievement of the Uruguay Round was the Agreement on Textiles and Clothing (ATC) which established a schedule to dismantle over a 10-year transition period the long-standing discriminatory trade regime built up under the MFA. Over the first three years of this period, no quotas have been removed by the major importing countries (with one exception in Canada, for work gloves). In addition, as noted previously, this sector is still subject to tariff peaks.

67. In parallel to the progressive phasing-out of MFA quota restrictions, the imposition of discriminatory quantitative restrictions is still permitted under the transitional safeguard provisions of the ATC (article 6), under certain specific conditions. During the period 1995-1997, 34 transitional safeguard actions were invoked by two World Trade Organization members, namely the United States (with 27 cases affecting 14 exporters) and Brazil (with 7 cases affecting 7 exporters). The manner in which the "transitional safeguard mechanism" was applied has been challenged under the World Trade Organization dispute settlement

Figure I. Anti-dumping measures: initiations and final measures, by key sectors, taken during the period 1987-1997
(Total number of cases)

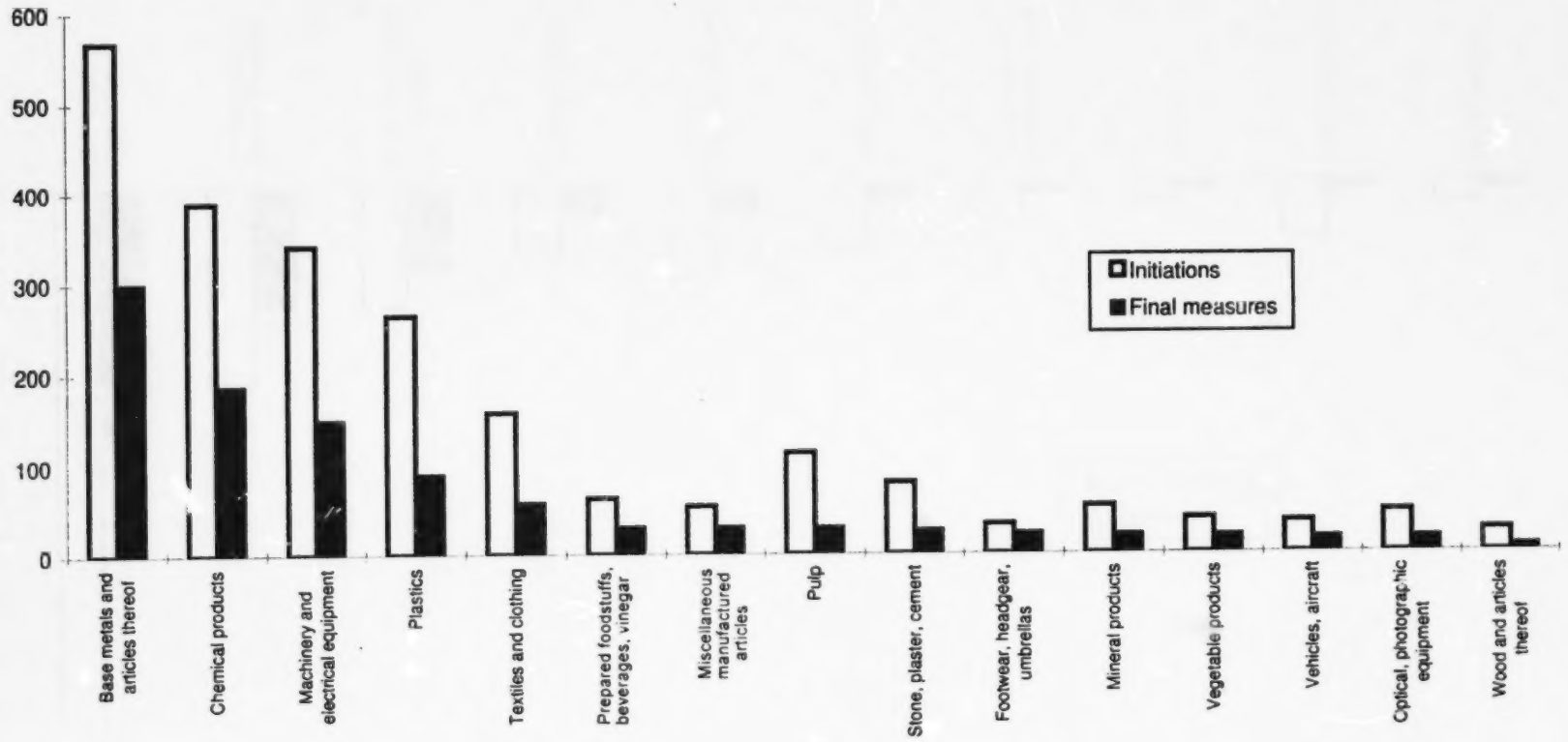
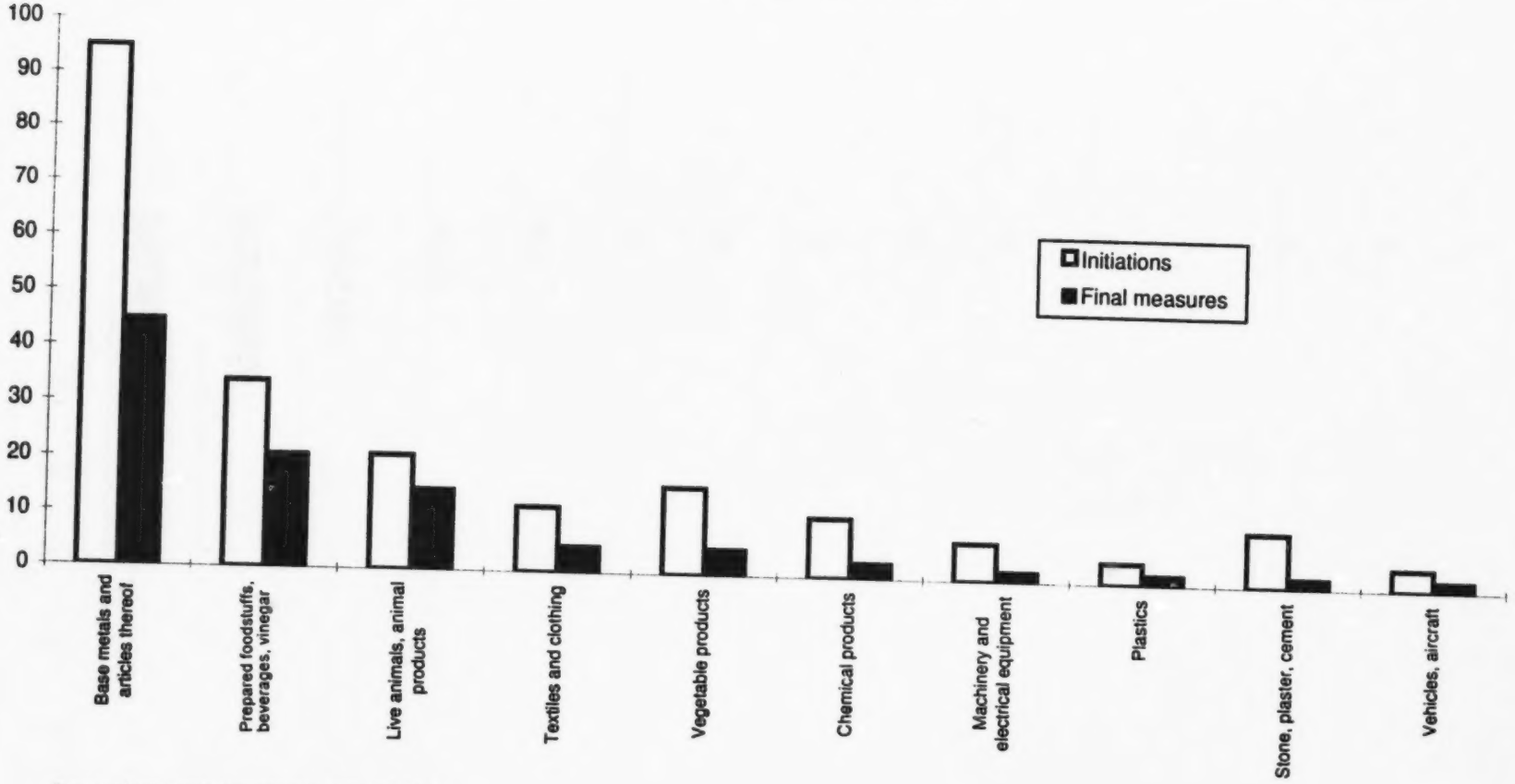


Figure II. Countervailing duties: initiations and final measures, by key sectors, taken during the period 1987-1997
(Total number of cases)



Source: World Trade Organization Rules Division.

mechanism in several cases. Over the period 1987-1997, there were about 157 anti-dumping investigations related to textiles and clothing, with most of them initiated since 1993.

E. Agricultural products

68. The Agreement on Agriculture resulted in the abolition of quantitative restrictions, variable levies and other non-tariff barriers to agricultural trade. However, a special safeguard mechanism based on trigger prices and trigger volumes of imports was established in respect of those products subject to tariffication, without need to prove injury. The special safeguards take the form of an additional duty, which is applied until the end of the year concerned. Over the period 1995-1997, eight countries took special safeguard actions, affecting 175 national tariff lines. Another problem has been the underutilization of the minimum and current market access tariff quotas. The overall utilization rate was 64 per cent in 1995 and 62 per cent in 1996. About 25 per cent of tariff lines subject to tariff quotas had a utilization rate of less than 30 per cent in 1996.

F. Fishery products

69. Trade in some fishery products has been subject to countervailing duty and anti-dumping investigations in several countries; such trade has also been affected by standards and technical regulations and measures designed to protect the environment. Four cases that have been brought to the World Trade Organization dispute settlement body since 1995 involve such products (salmon in two cases and shrimp and scallops in the other two cases).

G. Dynamic export sectors of interest to developing countries

70. During the first half of the 1990s, developing countries succeeded in expanding their exports at very high rates in a number of sectors ("dynamic sectors"), particularly office machines and telecommunications equipment, scientific and controlling instruments, chemicals, electrical machinery and apparatus, power-generating machinery, sanitary and building fixtures, fixed vegetable oils, paper and paperboard, furniture and automotive products. In these sectors, developing countries as a whole achieved a yearly export growth rate of over 15 per cent between 1990 and 1995, a figure considerably higher than the 9.6 per cent yearly growth of their total exports. The strong performance of developing countries in these sectors, most of which have middle to high value added and technological content, is highly influenced by the exports of a small number of major exporters of manufactures.[16]

71. The sectors in which developing countries have achieved the most dynamic growth of their exports in developed-country markets are largely the same dynamic sectors as those accounting for their overall export performance. In the most important export markets within this group (EU, United States, Japan and Canada, that is to say, the Quad countries), these products face relatively low tariff barriers. Weighted average MFN tariffs for these dynamic sectors in the Quad countries are below 5 per cent, with the exception of automotive products (which face an average import tariff of 5.1 per cent), sanitary and building fixtures (5.3 per cent) and fixed vegetable oils (5.9 per cent) (see table 5). On the other hand, developing countries achieved much lower export growth in developed-country markets in sectors where products face higher tariffs. High tariffs are applied particularly in agricultural products

Table 5

Dynamism of export sectors of developing countries and territories in world trade and their market access conditions

Harmonized Commodity Description and Coding System (Harmonized System) (HS) sections and subsections	Yearly export growth, 1990-1995 (percentage)	Developing-country world market share		MFN average[a]		Contingency protection measures			Subject to special safeguard provisions	Subject to World Trade Organization DSM[g]	Other measures
		1995 (percentage)	Change, 1990-1995 (percentage points)	Quad countries[b]	Developing countries[c]	Safeguards[d]	CVD[e]	ADP[f]			
				(percentage)		Number of measures					
XVI						2	7	341		14	
Valves and tubes	30.6	38.4	8.1	2.4	2.9						
Office machines	27.2	36.3	15.9	1.4	4.7						
Power generating machinery	20.0	14.2	6.3	2.4	8.6						
Electrical machinery and apparatus	20.3	28.1	8.6	3.5	10.0						
Telecommunications equipment	16.3	40.1	7.6	4.0	10.6						
Other non-electrical machinery	15.2	9.6	3.0	2.6	9.8						
VII							4	264			
Plastics	20.4	17.3	6.5	6.8	15.1						
Rubber manufactures	13.8	16.3	3.9	4.2	15.3						
VI						1	11	389		7	
Organic chemicals	18.9	15.3	4.8	4.8	8.1						
Pharmaceuticals	15.8	6.0	0.5	0.1	6.1						
Other chemicals	13.9	12.5	2.9	4.4	8.4						
Inorganic chemicals	11.3	19.0	4.6	2.4	6.7						
XVIII						1	4	46		6	
Scientific and controlling instruments	20.9	11.5	4.6	3.0	8.8						
Photographic apparatus and so on	13.1	24.9	5.9	4.0	11.9						
XIII							10	80			
Sanitary and building fixtures	17.8	33.5	11.2	5.3	16.4						
X						1	1	113			
Paper and paperboard	16.3	9.5	3.0	3.8	12.3					2	

Harmonized Commodity Description and Coding System (Harmonized System) (HS) sections and subsections	Yearly export growth, 1990-1995 (percentage)	Developing-country world market share		MFN average[a]		Contingency protection measures			Subject to special safeguard provisions	Subject to World Trade Organization DSM[e]	Other measures
		1995 (percentage)	Change, 1990-1995 (percentage points)	Quad countries[b]	Developing countries[c]	Safeguards[d]	CVD[e]	ADP[f]			
				(percentage)		Number of measures					
XX						1	1	54			
Furniture	15.7	27.4	9.1	3.5	14.2						
Miscellaneous articles	12.5	34.0	7.4	3.4	13.0						
XVII							4	35		14	
Automotive products	15.5	7.5	2.4	5.1	32.3						
Other transport equipment	6.9	11.5	1.8	2.8	7.4						
VIII							4	9		3	
Travel goods, handbags and so on	12.7	70.4	6.0	9.7	14.2						
Leather, dressed fur skins	11.5	49.1	6.5	5.3	14.6						
XV						1	95	567		2	
Manufactures of metals, not elsewhere specified (n.e.s.)	13.5	22.3	5.5	4.2	13.4						
Iron and steel	10.3	19.2	2.3	4.1	9.8						
V						2	1	53		2	
Non-metallic mineral manufactures	8.5	23.6	3.4	2.9	7.3						
Ores and non-ferrous metals	5.8	26.9	0.3	1.3	5.6						
Fuels	-1.4	58.8	-2.1	1.4	7.0						
XII						1	2	33		3	
Footwear	11.2	62.7	9.9	13.3	16.8						
IX							3	25			
Cork and wood manufactures (excluding furniture)	10.2	40.2	3.2	3.9	14.3						
Forestry products[h]	8.0	22.8	1.4	0.7	4.2						
XI							12	157	34[i]	18	MFA quotas
Clothing	9.6	65.7	5.5	12.9	21.0						
Textiles	9.2	45.2	7.7	9.4	21.1						

Harmonized Commodity Description and Coding System (Harmonized System) (HS) sections and subsections	Yearly export growth, 1990-1995 (percentage)	Developing-country world market share		MFN average[a]		Contingency protection measures			Subject to special safeguard provisions	Subject to World Trade Organization DSM[g]	Other measures
		1995 (percentage)	Change, 1990-1995 (percentage points)	Quad countries[b]	Developing countries[c]	Safeguards[d]	CVD[e]	ADP[f]			
				(percentage)		Number of measures					
I, II, III, IV						15	79	144	175[j]	57	
Fixed vegetable oils	16.5	57.1	8.7	5.9	51.0						
Fishery products	9.4	51.0	5.4	6.2	21.9						
Cereals and cereals preparations	8.6	14.0	1.7	5.2	36.7						
Coffee, tea, cocoa, spices	8.5	64.9	-0.2	3.8	9.9						
Meat and meat preparations	8.2	16.3	2.5	20.0	18.1						
Tobacco and its manufactures	6.7	22.9	-0.5	41.4	42.7						
Vegetables and fruit	4.3	38.7	-0.7	11.3	14.0						
Sugar	4.2	42.7	1.1	12.6	16.1						
Oilseeds and oleaginous fruit	0.7	27.0	-5.0	0.6	10.0						
Memo items:											
Agricultural raw materials[k]	7.4	33.6	3.1	1.5	8.4						
Total goods	9.6	27.3	2.9	4.5	11.2						

Source: UNCTAD secretariat, based on the United Nations Statistics Division, Trade Information and Analysis System (TRAINS) and the World Trade Organization.

[a] 1995 trade-weighted average.
[b] Canada, European Union, Japan, United States of America.
[c] Argentina, Brazil, Chile, China, Colombia, Egypt, India, Indonesia, Republic of Korea, Malaysia, Mexico, Singapore, Thailand, Venezuela.
[d] Safeguard measures introduced during the period 1987-1997.
[e] Countervailing duty actions initiated during the period 1987-1997.
[f] Anti-dumping duty actions initiated during the period 1987-1997.
[g] Based on the consultation requests made within the context of the World Trade Organization dispute settlement mechanism as of 23 April 1998.
[h] Including also paper-making material, which belongs to sect. X.
[i] Transitional safeguard measures initiated under article VI of the Agreement on Textiles and Clothing since the entry into force of the Agreement Establishing the World Trade Organization on 1 January 1995.
[j] Special safeguard measures introduced under the special safeguard provisions of the Agreement on Agriculture since the entry into force of the Agreement Establishing the World Trade Organization on 1 January 1995, and based on the notifications submitted to the World Trade Organization Committee on Agriculture. In terms of national tariff lines, total products affected were 175, of which 60 were price-based and 115 were volume-based.
[k] Including cotton, which belongs to sect. XI; and rawhides and skins, and fur skins and artificial fur, which belong to sect. VIII, as well as rubber and articles thereof, which belong to sect. VII.

(especially sugar, tobacco and its manufactures, and fruit and vegetables) and footwear, all of which face an average MFN tariff in excess of 10 per cent. Thus, relatively low tariffs have been associated with the performance of exports of developing countries in dynamic sectors. It is not possible to say without further study how far lower tariffs in importing countries have accounted for better export performance. While a correlation between tariff levels and export performance is discernible in a number of sectors, this relationship does not appear to hold in the case of the clothing and meat sectors, where exports have grown relatively rapidly despite the existence of tariffs in excess of 10 per cent. In short, a number of factors besides tariff levels in importing countries are likely to influence export performance.

72. As already mentioned, the overall export performance of developing countries is highly influenced by the exports of the major exporters of manufactures. At the lower end of the development process, low-income countries and least developed countries have a major export interest in agricultural products and products with low value added and technological content (for example, clothing, textiles, footwear and leather products). These are precisely the sectors in which market access barriers (tariff and non-tariff) in developed countries (and also in developing countries) are highest. Such market access barriers have therefore particularly affected the exports of the latter group of countries.

73. The sectors in which developing countries achieved their highest export growth towards other developing countries between 1990 and 1995 are largely the same as the dynamic sectors of their overall export performance. The major exceptions are footwear and clothing, in which intra-developing country trade expanded at an annual rate in excess of 24 per cent.

IV. Market access in services

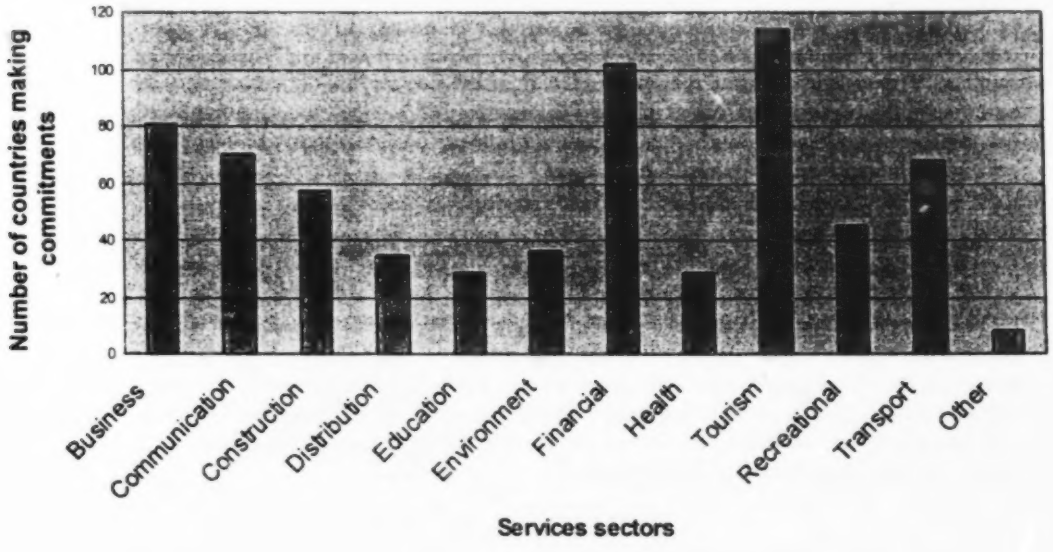
74. The first comprehensive framework for trade in services embodied in the GATS sets out a new concept of market access. The scope of trade in services exceeds that of goods, since it is not limited to the cross-border movement of services, but encompasses the supply of services through establishment of a firm or movement of natural persons[17] and movement of consumers. Market access measures seek to liberalize trade in services by liberalizing regulations affecting the following modes of supply of services: (a) cross-border trade; (b) consumption abroad; (c) commercial presence; (d) presence of natural persons as service suppliers. Through the inclusion of the commercial presence mode, the GATS is in part an agreement concerning investment in the services sector. Market access in services encompasses a variety of policy areas, including investment, the temporary movement of persons, communications, finance and transport.

75. Market access for foreign service suppliers and their services is defined in article XVI of the GATS, which lists measures that are regarded as affecting market access.[18] These include measures that: (a) limit the number of service suppliers who are granted market access; (b) limit the total value of service transactions or assets; (c) limit the total number of service operations or total quantity of service output; (d) limit the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ; (e) restrict or require the supply of service only through specific types of legal entity or joint venture; (f) limit foreign investment. These measures limit the quantity of services provided and the number and type of service suppliers in the foreign market and affect their prices, as would quotas and tariffs for goods.[19]

76. It should be noted that while market access for trade in goods is enhanced and secured by the national treatment rule of GATT 1994, for trade in services, market access is only complete where commitments have been made to provide national treatment in the sector concerned, as defined in article XVII of the GATS. Typical national treatment limitations included in schedules of commitments relate to nationality or residency requirements for executives and board members, requirements to invest a certain amount of assets in local currency, restrictions on the acquisition of land by foreign service suppliers, special subsidy or tax privileges granted to domestic service suppliers, special operational limits applying only to operations of foreign suppliers, and differential capital requirements.

77. As the outcome of the bilateral/multilateral negotiations on trade in services, market access is scheduled by each country as part of its specific commitments on services (see figure III). Status quo commitments (commitments that reflect the current state of laws, regulations and so forth, for a World Trade Organization member) have been made with respect to various elements of market access in those services sectors that were included in each country's schedules of commitments. For developing countries, such commitments may represent significant market access concessions, as they often reflect recent legislative reforms aimed at liberalization. For all countries, binding commitments provide security and predictability of market access to service suppliers and consumers. These commitments will serve as the benchmark in future rounds of negotiations on the liberalization of trade in services. While the GATS schedules contain only those measures on which the World Trade Organization member countries were willing to enter into binding contractual commitments – market access is provided in other sectors on an autonomous basis and in accordance with the MFN obligation – they currently provide the only indication of market access in respect of services.[20] For example, many countries did not make market access commitments on audiovisual services for cultural or strategic reasons, although foreign suppliers are currently allowed to participate in and often dominate their markets. The analysis of schedules of specific commitments therefore does not provide a full picture as to what actual trade policy regime individual countries pursue in trade in services and in market access in particular.

Figure III. Specific commitments on services, total by sector



78. Trade in services takes different forms in different sectors, and therefore one type of market access commitment – for example, on establishment of a firm or, alternatively, movement of service providers as natural persons – could have a different impact depending on the dominant way of supplying services to foreign markets in a particular sector. Open market access commitments regarding trade through one of the dominant modes of supply for the sector in question would therefore contribute relatively more significantly to the liberalization of trade in services. The main emphasis has been placed so far on improving the market access conditions for establishment of commercial presence.

79. The key discipline in the GATS is the unconditional MFN status, granting all World Trade Organization members the same treatment with respect to all measures affecting trade in services, including measures affecting services that are listed in schedules of commitments as well as those that are not. However, countries have also negotiated exemptions from MFN treatment and attached them as lists of exemptions to the GATS. Through this approach, countries retained the right to grant better market access to selected countries, often on a reciprocal basis, in sectors for which no commitments or only limited commitments have been made. Audiovisual, financial and transport services and measures relating to movement of persons were most frequently included under the MFN exemption lists.

80. In two sectors, namely, financial services and basic telecommunications, the extended negotiations after the Uruguay Round yielded important market access results. The negotiations on financial services under the GATS were concluded on 12 December 1997. As a result of these negotiations, a total of 56 schedules of commitments representing 70 World Trade Organization members and 16 lists of MFN exemptions (or amendments thereof) were annexed to the Fifth Protocol to the GATS, which was opened for acceptance on 27 February 1998 for a period until 29 January 1999. The new commitments are expected to enter into force no later than 1 March 1999. With five countries making commitments in financial services for the first time, the total number of World Trade Organization members with commitments in financial services will increase to 102 upon the entry into force of the Fifth Protocol; very substantial commitments on financial services were already made during the Uruguay Round and in 1995.

81. The new commitments contain, *inter alia*, significant improvements concerning commercial presence of foreign financial services suppliers in that they eliminate or relax limitations on foreign ownership of local financial institutions, limitations on the juridical form of commercial presence (branches, subsidiaries, agencies, representative offices and so on) and limitations on the expansion of existing operations. Improvements were made in all of the three major financial service sectors, namely, banking, securities and insurance, as well as in other services such as asset management and provision and transfer of financial information.

82. At the close of the three-year negotiations on basic telecommunications in February 1997, the commitments of 69 Governments (contained in 55 schedules) were annexed to the Fourth Protocol to the GATS. All of the world's industrialized countries participated, as did over 40 developing countries and six economies in transition. On 5 February 1998, the results of the negotiations on basic telecommunications services formally entered into force. In a number of schedules, a member's commitments for particular services are to be "phased in". For these, while the schedule formally entered into force on the date of the Protocol as a whole, the actual implementation date for such commitments will be on the date specified in the schedule. Since the negotiations, two participants in the Protocol have improved their commitments and three World Trade Organization members that did not participate have submitted commitments.

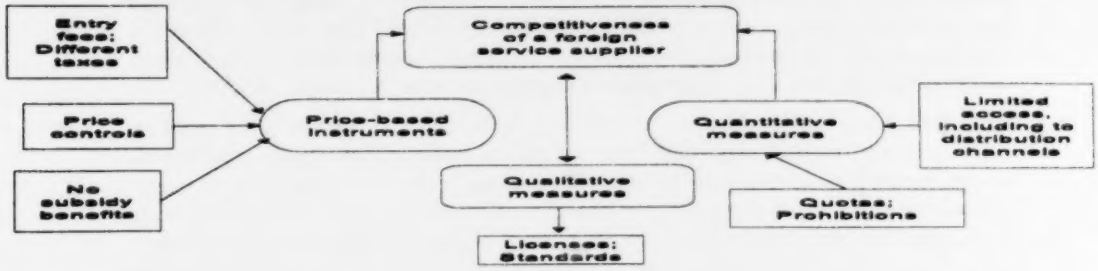
83. Participants in the basic telecommunications negotiations also elaborated a set of regulatory principles covering matters such as competition safeguards, interconnection guarantees, transparent licensing processes and the independence of regulators in a commonly negotiated text called the Reference Paper. Each participant was able to use the text in deciding what regulatory disciplines to undertake as additional commitments in its schedule. Sixty-three of the 69 participants included commitments on regulatory disciplines, with 57 of these committing to the Reference Paper in whole or with only minor modifications. In addition, two of the three Governments that recently submitted commitments also included the Reference Paper in their commitments. By February 1997, nine Governments had submitted MFN exemption lists which were also annexed to the Fourth Protocol.

84. Transparency as a general obligation in the GATS may be more important in facilitating market access for developing countries' service operators than any other single commitment. Availability of information on the rules and procedures for supply of services in foreign markets will not only cut transaction costs but will also provide new trading opportunities for small and medium-sized firms in general. The establishment of contact points under article IV:2 (increasing participation of developing countries) of the GATS will facilitate the access of developing countries' service suppliers to market information concerning commercial and technical aspects of the supply of services; registration, recognition and obtaining of professional qualifications; and the availability of services technology.

85. The GATS framework is designed so that the main emphasis is placed on market access in specific service sectors or subsectors. The horizontal commitments section of the schedule lists access limitations relevant to trade in all services. The majority of measures listed relate to commercial establishment of firms, namely, conditions for acquisition of land and real estate, foreign investment and subsidy policy, and the movement of natural persons as service suppliers. These have normally been limited to selected categories, which generally include executives and senior managers as intracorporate transferees; independent senior executives; business visitors not engaged in supplying services directly; and specialists, usually with advanced levels of expertise. In many cases, all other categories of natural persons will be granted market access based only on their passing economic needs tests. In addition, a number of countries have retained the right to apply economic or labour-market needs tests for specialists, subjecting them to individual compliance with labour-market testing. As a result, scheduled entries on market access and national treatment in specific sectors should always be regarded jointly with those listed in the horizontal section.

86. One of the distinct categories of the limitations on market access comprises economic needs tests (ENTs). Tests imply that the relevant government agency might grant market access depending on its assessment of the economic needs of the population or its demand for or capacity to supply such services. The relevant conditions may be qualitative or quantitative, taking into account the local market conditions and the availability of local service suppliers, the characteristics of the population or any other criteria, but they are frequently not specified in the schedule (see figure IV). Owing to its discretionary nature (especially where criteria are not clearly specified), economic needs testing poses a major barrier to trade in services and leaves considerable uncertainty as to the level of market access commitment.

Figure IV. Measures affecting trade in services



87. ENTs are prevalent in limiting market access with respect to the movement of persons, but are also applied to investment (commercial presence commitments). Since a commitment made subject to an ENT provides no guarantee of access, its economic and legal value is minimal. ENTs detract from the potential contribution of the GATS to improving and securing the overall climate for investment and facilitating the movement of persons associated with the globalization process. Since ENTs are invoked by countries in many service sectors, scheduling specific criteria for their application and eventually their removal with respect to those sectors or modes of supply would be central to future efforts to liberalize trade in services.

88. Market access for goods and market access for services are often linked; for example, there are linkages between supply of services such as consultancy engineering services and the subsequent export of capital goods; provision of an integrated package of goods and services, as in the case of export of environmental goods and services; and export of maintenance services following the supply of goods, particularly high-technology goods, where specialized training and maintenance can be provided by temporary movement of persons or via telematic services. In addition, the need for customization of goods and services has increased the complementary role of producer services. This is not to mention the fact that transport and distribution services are essential for trade in any good.

89. Cross-border trade has been growing increasingly as a result of development of telecommunication networks, advances in information technology and the advent of the Internet. New technologies are expected to further boost trade in services, even in areas where it was considered technically unfeasible at the time of the Uruguay Round negotiations. Sometimes citing technical infeasibility, only half or less of the commitments made by countries provide for completely free market access in cross-border trade.

90. Generally speaking, market access is freest for consumers who choose to purchase services abroad (some restrictions, however, exist on payments and transfers). This is an important way of exporting services, particularly medical services, tourism, transport and educational services. Though trade is not directly restricted, that does not mean that trade is barrier-free: requirements in other service sectors, for example, non-portability of medical insurance, could limit trade in related sectors.

91. Virtually all World Trade Organization members have made commitments on establishment of foreign firms providing services within the country. Many countries have provided for qualified access, that is to say, they have inscribed limitations in their commitments on commercial presence, particularly in terms of measures defined in article XVI of the GATS, where requirements for a certain type of legal form for establishment and limitations on foreign capital participation are frequently cited. Furthermore, ENTs have been mentioned in many sectors, though by a rather limited number of countries.

92. Relatively less market access liberalization has been achieved for the presence of natural persons as service suppliers. Broadly speaking, opening market access has been limited to horizontal commitments on the temporary movement of management personnel and specialists linked to commercial presence. Some countries have made sectoral and category-specific commitments, in addition to horizontal commitments (see box). Many of the commitments relating to independent contract personnel are subject to ENTs.

93. Table 6 summarizes the commitments made by World Trade Organization members in their schedules for each major service sector and for each mode of supply: cross-border supply, consumption abroad, establishment of commercial presence, and presence of natural persons. It distinguishes between full, partial and no commitments to provide market access or national treatment. It must be emphasized, however, that the latter distinction between partial and no commitments is a very crude one and, depending on the nature of the limitations that have been maintained in a partial commitment to liberalize, the difference between a partial commitment and a full commitment could be marginal or very significant. The table therefore gives only a broad indication of the level of commitments made by countries.

94. Under article VI.4 (domestic regulation) of the GATS, negotiations are near completion on disciplines to ensure that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures in accountancy do not constitute unnecessary barriers to trade.[21] Various options are under consideration as to the legal character of the disciplines, for example, a legally binding annex, or a non-binding decision or a reference paper on the basis of which members may undertake binding commitments. This work is particularly important in that an effort has been made to distinguish between article VI measures covered by the disciplines and article XVI (market access) and XVII (national treatment) measures which could be taken up in the next round of negotiations. Moreover, the disciplines will help facilitate the access of professionals through both commercial presence and movement of natural persons modes.

95. Liberalization of market access in services is a particularly complex process since barriers to foreign entry are usually incorporated into domestic legislation. Given that improvement in market access conditions might imply the need for legislative reform, removal of barriers in services could be seen only as a progressive process with due respect for national policy objectives and the level of development of countries.

96. Parallel to the multilateral efforts on improving market access for trade in services, there is an increasing expansion of the scope of regional integration agreements to include services. Integration agreements grant preferential treatment limited to services operators of the member countries by providing better market access for them and their services within the trading area covered by the agreement. Full liberalization of trade in services, including investment and free movement of persons, has been achieved within the area of EU. In contrast, in the bilateral agreements that EU has concluded with countries in Central and Eastern Europe and the Mediterranean region, limited improvement in bilateral market access was achieved, with the GATS providing a basis for commitments. NAFTA[22] has not achieved full liberalization of services trade, and it has encompassed a slightly different structure than the GATS: services "trade" is limited to cross-border, but investment and temporary movement of business people are addressed in separate chapters, as are financial and telecommunication services. Negotiations on services in MERCOSUR are based on a framework similar to the GATS but are aimed at achieving an increased level of commitments on market access. Regional trade agreements related to services are likely to influence future multilateral efforts on improving market access in services.

Table 6
Commitments made by World Trade Organization members on services by mode of supply[a]

(Percentage)[b]

	Cross-border			Consumption abroad			Commercial presence			Natural persons		
	Full	*Partial*	*No*	*Full*	*Partial*	*No*	*Full*	*Partial*	*No*	*Full*	*Partial*	*No*
I. Market access[c]												
Business services	46	32	22	54	34	12	24	73	3	1	93	6
Communication services	19	72	9	36	55	9	6	91	3	0	94	6
Construction and related engineering services	26	12	62	53	32	14	29	64	7	0	97	3
Distribution services	31	53	16	34	56	11	17	80	4	0	96	4
Educational services	48	39	12	54	40	6	25	66	9	1	92	7
Environmental services	17	21	62	51	35	14	26	74	0	1	97	3
Financial services	21	33	46	34	42	24	14	84	2	2	90	8
Health-related and social services	44	4	52	71	21	8	19	77	4	0	94	6
Tourism and travel-related services	42	19	39	62	27	11	30	66	4	2	89	10
Recreational, cultural and sporting services	48	29	23	56	40	4	20	71	9	1	91	8
Transport services	29	31	41	47	47	6	16	76	8	1	95	5
Other services not included elsewhere	11	44	44	11	78	11	0	78	22	0	100	0
II. National treatment												
Business services	50	27	22	60	27	13	57	38	5	10	82	9
Communication services	39	51	10	40	48	12	32	62	5	7	84	9
Construction and related engineering services	25	13	61	51	32	17	7	83	10	0	92	8
Distribution services	30	55	15	35	56	9	14	83	3	0	96	4
Educational services	42	48	9	49	45	5	8	73	19	1	92	7
Environmental services	16	26	57	51	38	10	20	79	1	1	97	2
Financial services	26	27	46	37	36	26	12	85	3	1	89	10
Health-related and social services	54	4	42	73	19	8	17	73	10	2	92	6
Tourism and travel-related services	48	16	36	68	19	13	61	33	6	13	73	13
Recreational, cultural and sporting services	47	35	18	55	37	8	14	75	11	2	88	10
Transport services	32	25	43	56	37	8	46	43	11	13	78	9
Other services not included elsewhere	11	44	44	11	78	11	11	67	22	0	100	0

Notes:

Percentages may not add up to 100 due to rounding. Basis of total is listed sectors.

[a] The present table analyses the commitments undertaken in the schedules of World Trade Organization members for each mode of supply (cross-border supply, consumption abroad, commercial presence, and presence of natural persons) by classifying them into the following three categories:

"Full": no limitations to market access or national treatment;

"Partial": commitments exist to grant market access or national treatment, but are subject to certain limitations;

"No": no commitments in market access or national treatment.

While the table reflects the results of the negotiations on basic telecommunications that entered into force on 5 February 1998, the results of the financial services negotiations concluded in December 1997 are not taken into account, since the latter commitments have not yet entered into force.

[b] The denominator of the fractions furnishing the percentages appearing in the body of the table is equal to the total number of commitments that can be made in the sectors and subsectors listed in the schedules of World Trade Organization members. No account is taken in the calculations of the sectors or subsectors that were not listed in the schedules of members.

[c] Any measures restricting both market access and national treatment are scheduled in the market access column of the schedule in accordance with article XX.2 of the GATS; therefore, the percentages indicated in the market access section of the table also take account of such measures.

Horizontal commitments on the market access of natural persons

Entry subject to an economic needs test	Antilles, Barbados, Dominica, El Salvador, Grenada, Jamaica, Malta, Peru, Philippines, Sri Lanka, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago
Entry for senior personnel as intracorporate transferees	
All	Argentina; Aruba; Australia; Brunei Darussalam; Cameroon; Canada; Czech Republic; Dominican Republic; member States of the European Union; Finland; Hong Kong, China; Hungary; Iceland; India; Israel; Japan; Kenya; Kuwait; Mauritius; Mexico; Morocco; Namibia; New Zealand; Nigeria; Norway; Republic of Korea; Romania; Singapore; Slovakia; South Africa; Sweden; Turkey; United States of America; Uruguay; Zambia
Subject to an economic needs test	Antigua and Barbuda, Belize, Brazil, Cuba, Cyprus, Guyana, Indonesia, Poland, Suriname, Thailand, Zimbabwe
Subject to quota	Bolivia, Chile, Colombia, Costa Rica, Egypt, Ghana, Guatemala, Honduras, Liechtenstein, Malaysia, Nicaragua, Pakistan, Switzerland, Tunisia, Venezuela
Business visitors	Australia, Austria, Canada, Czech Republic, member States of the European Union, Finland, Hungary, Iceland, India, Japan, Malaysia, Mexico, Morocco, New Caledonia, New Zealand, Norway, Poland, Republic of Korea, Slovakia, South Africa, Sweden, Switzerland, Thailand, Turkey, United States of America, Venezuela

Source: L. Altinger and A. Enders, "The scope and depth of GATS commitments", *World Economy*, May 1996.

97. So far, the results of negotiations on trade in services show that the major focus has been on obtaining significant commitments for commercial presence and, to a more limited extent on obtaining cross-border commitments. Developing countries have very often made market access commitments on commercial presence as an inducement to foreign investors. For the next round of negotiations, developing countries need to identify sectors where foreign investment is needed and commitments would be valuable for that reason.

98. Liberalization of market access cannot be viewed separately from domestic policy, and needs to be considered jointly with development objectives. The welfare gains of liberalized trade in services might be further enhanced in combination with policies related to, for example, export promotion or infrastructure and capacity-building schemes. At the same time, services trade policy would determine what kind of services sectors might develop as national sectors – whether knowledge-intensive or labour-intensive, or providing high earning potential or a large employment base – thereby determining, to a large extent, investment structure and thus the long-term economic growth path.

99. The next round of negotiations on progressive liberalization of services is to take place in the year 2000 in accordance with article XIX of the GATS. Appropriate flexibility is provided to developing countries in article XIX.2 in regard to opening fewer sectors, liberalizing fewer types of transactions and, when making access to their markets available to foreign suppliers, attaching access conditions aimed at achieving the objectives of article IV (increasing participation of developing countries) in trade in services. In this context, developing countries would need to identify sectors of potential export or other commercial interest and candidates for liberalization.

Notes

[1] The Agreement Establishing the World Trade Organization came into force in 1995, with 81 member countries and customs territories encompassing developed and developing economies as well as transition economies in Central and Eastern Europe. By February 1998, the membership had risen to 132, with an additional 31 in the process of accession. The Agreement can be found in *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994* (GATT secretariat publication, Sales No. GATT/1994-7), vols. 1 and 27-31.

[2] The analysis covers all products, including tariffed agricultural products, and includes estimates of tariff equivalents for specific rates based on recent import or international prices.

[3] This section provides a summary of the UNCTAD/World Trade Organization joint study on "The post-Uruguay Round tariff environment for developing country exports" (TD/B/COM.1/14), Geneva, October 1997.

[4] Other preference-giving countries, in particular Norway and Switzerland, also improved their GSP schemes substantially and extended duty-free access to a large range of additional products in favour of least developed countries.

[5] Concerning this issue, see also *Market Access for LDCs: Where is the Problem?* (Paris, OECD, 1997).

[6] Comprehensive and Integrated World Trade Organization Plan of Action for the Least Developed Countries, adopted by the Ministerial Conference of the WTO on 13 December 1996 (WT/MIN(96)/14).

[7] *Proceedings of the United Nations Conference on Trade and Development, Ninth Session, Midrand, Republic of South Africa, 27 April-11 May 1996, Reports and Annexes* (United Nations publication, Sales No. E.97.II.D.4), part one, sect. A.

[8] "Tariff escalation", note by the World Trade Organization secretariat (WT/CTE/W/25), Geneva, 22 March 1996.

[9] Jostein Lindland, "The impact of the Uruguay Round on tariff escalation in agricultural products", Commodity Policy and Projections Service (ESCP), No. 3 (Rome, FAO, April 1997).

[10] It should be noted that, while the tariff structure is likely to affect resource allocation, many other factors may help to determine outcomes and the capacity of a country to produce a given product competitively.

[11] Notified in World Trade Organization document G/SECRETARY-GENERAL/N/10/USA/1.

[12] Notified in World Trade Organization document G/SECRETARY-GENERAL/N/10/BRA/1.

[13] Notified in World Trade Organization document G/SECRETARY-GENERAL/N/10/ARG/1.

[14] Notified in World Trade Organization document G/SECRETARY-GENERAL/N/10/KOR/1.

[15] It should be noted that the anti-dumping laws that are adopted are separate from any decisions that the authorities may take to initiate anti-dumping actions.

[16] Hong Kong, China; Republic of Korea; Taiwan, Province of China; Singapore; Mexico; Malaysia; Thailand; Indonesia; Brazil; India and Turkey.

[17] Government services, provided on a non-commercial basis or where competition is absent, are excluded from the GATS.

[18] There is no general obligation to grant full market access and national treatment to foreign services and service suppliers; these obligations are confined to the sectors and subsectors specifically included in the individual schedule of commitments of each member of the World Trade Organization, subject to any limitations with respect to each mode of supply.

[19] Government measures that neither fall within (a) through (f), nor are inconsistent with national treatment, are not addressed by means of schedules of commitments (except, in some instances, through additional commitments). Instead, they are covered by general obligations of the GATS, such as article VI which contains broad disciplines on domestic regulation and article XIV which contains exceptions to GATS rules that can be effected to meet certain public policy objectives so long as they do not represent disguised trade barriers.

[20] The Measures Affecting Services Trade (MAST) data base being developed by UNTAC should eventually provide a more comprehensive basis for analysis.

[21] While the GATS recognizes that such measures can affect the supply of a service, they are not presumed to be trade barriers in the sense of measures covered by article XVI or XVII, but are viewed instead as controls aimed at achieving legitimate national policy objectives related to, for example, quality or technical standards, licensing requirements and so on, all of which should be based on objective and transparent criteria and criteria that are not more burdensome than necessary.

[22] The North American Free Trade Area includes the United States of America, Canada and Mexico, and entered into force in January 1994.